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MONDAY, SEPTEMBER 1, 1783

An act of the general assembly of Connecticut, authorising the delegates of that State, to agree to an alteration in the 8th of the Articles of Confederation as recommended by the act of the 18 of April last, was laid before Congress and read, as follows:

(L. S.) At a general Assembly of the Governor and Company of the State of Connecticut, holden at Hartford in the said State, on the second Thursday of May, Anno Domini, 1783.

Whereas the United States in Congress assembled, on the 18th day of April, 1783, among other things resolved, that a more convenient and certain rule of ascertaining the proportions to be supplied by the states respectively, to the common treasury, the following alteration in the Articles of Confederation and perpetual union between these states be, and the same is hereby agreed to in Congress: and the several states are advised to authorise their respective delegates to subscribe and ratify the same, as a part of the said instrument of union, in the words following, viz. So much of the 8th of the Articles of Confederation and perpetual union between the thirteen States of America, as is contained in the words following, to wit: "All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all lands within each State, granted to or surveyed for any person, as such land, and the buildings and improvements thereon, shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint," is hereby revoked and made void, and in place thereof it is declared and concluded, the same having been agreed to in a Congress of the United States, "that all charges of war, and other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury, which shall be supplied by the

several states in proportion to the whole number of white and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in each State, which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint."

It is resolved, and enacted by this assembly, that the delegates of this State, in the Congress of the United States, or any two or more of them, be, and they are hereby fully authorised and empowered, on behalf of this State, to subscribe and ratify the afore-recited alteration in the 8th of the Articles of Confederation and perpetual union between the United States of America, as a part of the said instrument of union.¹

The delegates for the State of Pensylvania, laid before Congress sundry resolutions of the general assembly of that State, which were read and ordered to be entered on the Journal as follows:

"State of Pensylvania, in General Assembly, Friday, August 29, 1783, A. M.

The report of the committee appointed to consider of the most eligible means for the accommodation of Congress, should that honorable body determine to reside within this State, read August 27 instant, was read the second time; whereupon,

Resolved unanimously, That until Congress shall determine upon the place of their permanent residence, it would be highly agreeable to this house, if that honorable body should deem it expedient to return to and continue in the city of Philadelphia; in which case they offer to Congress the different apartments in the state-house and adjacent buildings which they formerly occupied for the purpose of transacting the national business therein.

Resolved unanimously, That this house will take effectual measures to enable the executive of the State to afford speedy and adequate support and protection to the honor and dignity of the United States in Congress, and the persons of those composing the supreme council of the nation assembled in this city.

¹ This act is in the *Papers of the Continental Congress*, No. 75, folio 77.

Resolved unanimously, That as this house is sincerely disposed to render the permanent residence of Congress in this State commodious and agreeable to that honorable body, the delegates of this State be instructed to request that Congress will be pleased to define what jurisdiction they deem necessary to be vested in them, in the place wherein they shall permanently reside.”¹

The Committee [Mr. Stephen Higginson, Mr. Ralph Izard, Mr. Benjamin Huntington] to whom was committed the letters from M^r Laurens and M^r Carmichael &c. &c. submit the following resolutions.

That Commissions be forthwith prepared and forwarded to John Adams, Benj. Franklin, John Jay, and Henry Laurens Esqrs. authorising them or any two or more of them to negotiate a treaty of amity and commerce with the Court of Great Britain upon terms of the most perfect reciprocity, and so as to render the trade of these United States with Britain and her Dominions beneficial and respectable; the commercial regulations in said treaty to be made as near as possible in conformity to the liberal principles, contained in the articles proposed by the Ministers of the United States to M^r Hartley on the 29th day of April last; the treaty to continue for the term of fifteen years and to be subject to the revision of Congress previous to its being ratified; and that they have liberty to extend the duration of such commercial regulations as may have been formed with Britain to a period sufficiently distant for revising and ratifying the said treaty, or to agree upon new regulations for that purpose, as they shall judge most expedient.

That the said Commissioners or any one or more of them be authorised to negotiate with the Emperor of Morocco and such other States on the Coast of Barbary as may be necessary, for procuring passports for the vessels of the U. States, and to apply if they think it expedient to such of the Powers in Europe as are in amity with the United States for their assistance in such negotiations.

The Committee are of opinion that treaties of Amity and Commerce should be formed with the Court of Portugal, the Emperor of Germany, the King of Naples and Sicily and with the Grand Duke of Tuscany as soon as circumstances will permit.

They are also of opinion that M^r William McCormick should be informed that Congress can give him no decisive answer upon the subject of his memorial, and that if he is desirous of establishing himself in his business in any part of ~~America~~ the United States he

¹ These resolutions are in the *Papers of the Continental Congress*, No. 69, II, folio 451. The letter of transmittal, dated August 30, is on folio 457.

must apply to the government of the particular State in which he wishes to reside.¹

[TUESDAY, SEPTEMBER 2, 1783]

[Report of Mr. Richard Peters, Mr. James McHenry, Mr. Ralph Izard, Mr. James Duane, Mr. Samuel Huntington, on the concurrent resolutions of the assembly and Council of New York of 21st and 22d July, 1782, for augmenting powers of Congress.]

The Committee to whom was referred a letter from the governor of the State of New York of the 4th Aug. 1782, with sundry resolutions of the Legislature of the said State therein referred to, report,

That it will be proper for Congress to postpone the further Consideration of the said Resolutions until the effect of their Resolution of the 18th day of April last, relating to Revenue shall be known.²

The Committee of the Week [Mr. Jacob Read, Mr. Abiel Foster and Mr. William Ellery] on consideration of the petition of Ebenezer Augustus Smith formerly a Surgeon in the General Hospital praying that depreciation may be allowed him, report as their opinion that the request of the said Ebenezer Augustus Smith being similar to that of Dr. Dirk Van Ingen lately determined by Congress cannot be granted

¹ This report, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 19, III, folio 447. It was read this day, according to the indorsement, which also states that it was superseded by the instructions passed October 29, 1783.

According to the record in Committee Book No. 186, Laurens's letter was dated June 17, 1783, and was referred to the committee on August 15. McCormick proposed to establish a cotton manufactory in the United States, and his memorial was referred to the committee on August 28.

A letter from the President of Congress dated this day was read, the indorsement states, saying he had been unable to procure a house in Princeton. It is in No. 59, III, folio 61.

On this day, as the indorsement states, was read a letter of August 30 from General Washington, enclosing copies of Major General Baron Steuben's report, and his correspondence with General Haldimand respecting the withdrawal of British forces from western posts. It is in No. 152, XI, folio 449. It was referred to Mr. [Ralph] Izard, Mr. Benjamin] Hawkins, Mr. [James] Duane, Mr. A[rthur] Lee and Mr. [Stephen] Higginson. According to Committee Book No. 186, the committee was discharged December 18.

Also, a letter of August 23, from John Morgan concerning trade in the West Indies. It is in No. 63, folio 177.

² This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 20, I, folio 391. The indorsement states that it was delivered on this day, entered and read.

without infringing the rule established by Congress of the 10th day of April 1780.¹

[WEDNESDAY, SEPTEMBER 3, 1783]

The Committee consisting of M^r [Jacob] Read, M^r [William] Ellery, and M^r [Hugh] Williamson to whom was referred a resolve of the General Assembly of the State of Virginia of the 17th June 1783, Report,

That your committee are informed, That works erected in several of the United States, have been leveled and destroyed, without any instance of an application to Congress heretofore for money to defray the expence of levelling and destroying the same.

Nevertheless, should it be thought consistent with justice, that the works erected by the troops of the United States, the troops of his Most Christian Majesty acting as auxiliaries to the United States, or works left by the troops of Great Britain on their evacuating any particuar State, should be levelled and destroyed at the public expence, yet such is the state of the public finances, that Congress cannot comply with the request of the State of Virginia to obtain a sum of money not exceeding seven hundred and fifty pounds for the purposes of levelling the fortifications erected by the troops of his Most Christian Majesty at York Town in the County of York, and at Gloucester Town in the County of Gloucester in the State of Virginia.²

[Report of Secretary at War on Mr. Eliphalet Dyer's motion respecting promotions after the cessation of hostilities.]

PRINCETON, July 26, 1783.

SIR,

On the motion of Mr. Dyer, and the report of a committee of Congress on that motion I beg leave to submit the following report.

That, during the existence of the present army, all vacancies be filled up (excepting new appointments of ensigns) as has been here-

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 517. According to the indorsement it was agreed to on this day. Smith's petition, dated Wilmington, August 1, 1783, is in No. 42, VII, folio 161.

On this day, as the indorsement indicates, was read a letter of September 1 from General Sir Guy Carleton, transmitting the proceedings of the general court martial appointed for the trial of counterfeiters. It is in No. 52, folio 9.

Also, a letter of August 31 from Major General Robert Howe. It is in No. 38, folio 115.

² This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 20, II, folio 311. The indorsement states that it was delivered this day, entered and read.

tofore practiced. But where rank by brevet is conferred, the act of Congress directing the appointment should express that it is by brevet, and it may now be resolved that in future where commissions by brevet are issued they shall not be considered as granting, or entitling to any pecuniary gratuity or other emolument than rank in the army of the United States.¹

WAR OFFICE *August 30, 1783.*

SIR

On a letter from Major General Knox, and a petition from a company of artillery artificers under the direction of Captain Anthony Post, I beg leave to report that I have examined the acts of Congress which respect the settlements of depreciation, and I do not find any one which will apply to the objects of the petition, nor has there been any settlement made similar to the one now requested. But in consideration of the services rendered by the Petitioners, which are authenticated by Major General Knox, I beg leave to submit the following draught of a resolve in their favor.

Resolved, That it be recommended to the States of Connecticut and New York to settle the pay and depreciation of pay of those officers and soldiers belonging to their States respectively, who served in Captain Post's company of artillery artificers, due attention being had, in the settlements, to the real value of their nominal pay when they were inlisted. And that the amount of said pay and depreciation of pay be charged to the United States.²

¹ This report is in the *Papers of the Continental Congress*, No. 21, folio 363. The indorsement shows that it was delivered July 26, entered and read, and on September 3 referred to Mr. [James] McHenry, Mr. [Richard] Peters, Mr. [James] Duane.

² This report from William Jackson, Assistant Secretary at War, is in the *Papers of the Continental Congress*, No. 149, III, folio 175. According to the indorsement, and the record in Committee Books No. 186 and No. 191, Knox's letter and the petition from the artificers were referred to the Secretary at War on August 27. The report of August 30, from the Assistant Secretary, was delivered September 3, read, and entered. On September 25, it was referred back to the Secretary at War, and he delivered a report September 27, which was acted upon, October 17.

On this day, according to the indorsement, was read a letter, of same date, from William Jackson, Assistant Secretary at War, enclosing a letter, of August 17, from Brigadier General William Irvine, respecting settlements beyond the Ohio and the consequent danger of an Indian War. They were referred to Mr. [James] Duane, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Benjamin] Hawkins and Mr. [Arthur] Lee. According to Committee Books No. 186 and No. 191, the committee delivered a report, on this and other papers relating to Indian affairs, on September 19, and it was acted upon, October 14. Jackson's letter is in No. 149, III, folio 183, and Irvine's on folio 179.

THURSDAY, SEPTEMBER 4, 1783

Major General Howe having transmitted to the President, "A full report of the proceedings of the court-martial respecting the late mutiny,"

Ordered, That they be laid before Congress on Tuesday next.¹

The superintendant of finance, to whom was referred so much of President Weare's letter of 30th June as relates to the liquidation of loan office certificates begs leave to report,

That the reducing all loan office certificates to their true value, according to the tables of depreciation, is doubtless a desirable object, not only as it may introduce a greater simplicity into the public accounts, but also as it may further the subsequent arrangements which shall become necessary for managing the public debts.

That every operation which can have the slightest connection with public credit ought to be conducted on the principles of equal and reciprocal bargain; so that the object be performed with the perfect consent of the party as well as of the government.

That of consequence, it will be proper to hold out some advantage or at least convenience to the party which may induce him to cooperate with the government. The following resolution is therefore submitted:

That the Commissioners appointed in pursuance of the act of Congress of the twentieth of February 1782 to adjust and finally settle all accounts between the United States and each individual State, be and they hereby are empowered and required to liquidate in specie value (according to the several resolutions and acts of Congress in that behalf made) all such loan office certificates as may be exhibited to them, and to give new certificates similar to those which they issue in other cases, including in such new certificates the interest which may have become due and be still unpaid on the old certificates, up to the end of the year 1782, from which period the said new certificates are to bear interest; and that in cases where certificates have been lost and destroyed, the Commissioners accept as certificates the evidence on which (according to the resolution and acts of

¹ Howe's letter, dated September 2, is in the *Papers of the Continental Congress*, No. 38, folio 119.

Congress in that behalf made) new certificates would have been issuable from the loan offices.

OFFICE OF FINANCE, 3 Sept., 1783.¹

FRIDAY, SEPTEMBER 5, 1783

A motion was made by Mr. [Arthur] Lee, seconded by Mr. [Samuel] Holten,

That the Superintendent of finance be directed to lay before Congress an account of all the public monies which have been applied at home and abroad to the purchase of cloathing for the army since his coming into office; together with an account of what part of such cloathing has been received, and how it has been disposed of.²

On the question to agree to this, the yeas and nays being required by Mr. [Arthur] Lee,

<i>New Hampshire,</i>			<i>Connecticut,</i>	
Mr. Foster,	ay	} *	Mr. S. Huntington,	ay
<i>Massachusetts,</i>			B. Huntington,	ay
Mr. Gerry,	ay	} ay	<i>New York,</i>	
Holten,	ay		Mr. Duane,	ay
Higginson,	ay		L'Hommedieu,	ay
<i>Rhode Island,</i>			<i>New Jersey,</i>	
Mr. Ellery,	ay	} ay	Mr. Boudinot,	ay
Howell,	ay			} *

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folio 57. According to the indorsement, it was delivered September 4, read and entered. See *ante*, August 5.

On this day, as the indorsement states, a letter of September 1, from the Agent of Marine respecting the *Alliance* Frigate and enclosing copy of a letter of August 26, from Captain John Barry, was read, and referred to Mr. [William] Ellery, Mr. [Arthur] Lee and Mr. [Elbridge] Gerry. It is in No. 137, III, folio 45.

Also, a letter of September 3, from the Assistant Secretary at War, enclosing a letter, of August 26, from Ephraim Douglass, which was referred back to the Secretary at War to report a proper compensation. It is in No. 149, III, folio 191, and Douglass's letter on folio 187. According to Committee Books No. 186 and No. 191, the Secretary at War delivered a report September 29, which, on October 17, was referred to the Superintendent of finance to take order.

² This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 223. The vote is indorsed on it. See *post*, September 16.

<i>Pennsylvania,</i>			<i>North Carolina,</i>		
Mr. Wilson,	ay	} ay	Mr. Hawkins,	ay	} *
Montgomery,	ay		<i>South Carolina,</i>		
Peters,	ay		Mr. Izard,	ay	} ay
<i>Maryland,</i>			Read,	ay	
Mr. Carroll,	no	} div.	Beresford,	ay	
McHenry,	ay				
<i>Virginia,</i>					
Mr. Bland,	ay	} ay			
Lee,	ay				
Mercer,	no				

So it was resolved in the affirmative.

On motion of Mr. [Arthur] Lee, seconded by Mr. [Samuel] Holten,

Resolved, That the Secretary at War be directed to lay before Congress, copies of the returns from the cloathier general to him, of the cloathing which has been received by the said cloathier general, since the 1st January, 1781, to the present time; and also of the returns of cloathing on hand, every two months in that period, as directed by the regulations passed June 10th, 1781.¹

On motion of Mr. [James] McHenry, seconded by Mr. [Arthur] Lee,

That Thursday next be the order of the day to take into consideration the offer from the Legislature of Pennsylvania of a place for the temporary residence of Congress till Congress may determine on a place for their fixed residence; and the offer of Annapolis for the same purpose, communicated by the delegates from the State of Maryland.²

Resolved, That Friday next be assigned to decide on the place proper for a temporary residence of Congress.

On the report of a committee, consisting of Mr. [William] Ellery, Mr. A[rthur] Lee and Mr. [Elbridge] Gerry, to whom was referred a letter of 1 from the agent of marine,

¹ This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 223.

² This motion, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 36, II, folio 221. The resolution as passed is interlined on the original motion, in the writing of Charles Thomson, and a copy of part of it, also in Thomson's writing, is on folio 225.

Resolved, That the agent of marine be, and he is hereby directed to cause the ship *Alliance* to be unladen, and her cargo freighted to ~~Amsterdam~~ Europe on the best terms.

~~That the nett proceeds thereof be applied by the Super-Intendant of Finance toward the payment of the interest of the loans in Holland.~~

That the agent of marine discharge the officers and crew of the ship *Alliance*, cause her to be surveyed, and report to Congress the state she is in, with an estimate of the expence necessary to give her a good repair.¹

MONDAY, SEPTEMBER 8, 1783

The President being absent, Congress proceeded to the election of a chairman, for the purpose of keeping order; and, the ballots being taken, the hon. John Rutledge was elected.

The Committee of the week [Mr. Joseph Jones, Mr. John Montgomery and Mr. Ezra L'Hommedieu] report that the petition of Richard Varick late Deputy Muster Master General be read in Congress.

That the Petition of Jonathan Trumbull Jun^r with his account against the United States be read in Congress.

That the Petition of Nathan Leavenworth with the certificate accompanying the same lay on the table.²

¹ This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 28, folio 229.

On this day, as the indorsement indicates, a letter of the same date from W. Jackson, Assistant Secretary at War, was read and referred to Mr. [Richard] Peters, Mr. [James] McHenry and Mr. [Theodorick] Bland. According to Committee Books, No. 186 and No. 191, a report was delivered September 9 and acted on September 26. The letter is in No. 149, III, folio 195.

² This report, in the writing of Ezra L'Hommedieu, is in the *Papers of the Continental Congress*, No. 32, folio 519. By the indorsement it is dated this day.

The letter of Varick, dated Poughkeepsie, August 20, 1783, is in No. 78, XXIII, folio 199, and Trumbull's petition, dated Newburgh, August 18, 1783, is in No. 41, X, folio 175. The indorsements show that both were referred to Mr. [Ezra] L'Hommedieu, Mr. [James] McHenry and Mr. S[amuel] Huntington; and according to entries in Committee Books No. 186 and No. 191 reports on both were delivered September 15, and filed. See *post* September 15 and September 29 *note*.

Leavenworth's petition is on No. 41, V, folio 303, and is dated West Point, August 21. The indorsement states that it was read this day and adds: "The application ought to be made to the executive or legislature of the State to which he belongs."

[Motion of Mr. Theodorick Bland]

Resolved, That on ~~William~~ Henry Armistead's compliance with such forms and lodging such indemnification in the Superintendant of Finance's office, as the said Superintendant shall require of him duplicates of the bills purchased by the said William [Henry] Armistead and said to have been lost viz, be renewed by the Superintendant of Finance in his favor.¹

Ordered, That the Letter from the Superintendant of Finance of 27th August to Mr. [Theodorick] Bland, and Mr. Bland's Motion of this Day, together with Mr. H. Armistead's Bond and Certificate respecting bills of Exchange lost be referred to the Superintendant of Finance to report A General Regulation for the Relief of Persons in a Similar Situation with Mr. Armistead.²

TUESDAY, SEPTEMBER 9, 1783

The President and the chairman elected yesterday, being absent, Congress proceeded to the election of another chairman, for the purpose of keeping order; and, the ballots being taken, the hon. D[aniel] Carroll was elected.

A motion was made by Mr. [Jacob] Read, seconded by Mr. [John Francis] Mercer,

That the secretary of Congress enquire of Mr. David C. Claypoole, printer of the Pennsylvania Packet, dated 9 September, 1783, by what means a copy of a letter printed in his said paper, dated New York, August 17, 1783, signed Guy Carleton, and directed to his Excellency Elias Boudinot, Esq. came to his hands.³

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Stephen] Higginson, that the motion be committed. And on the question for commitment, the yeas and nays being required by Mr. [David] Howell,

¹ This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 137, III, folio 97. It was referred to the Superintendent of Finance to report a general regulation, according to the indorsement.

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*.

³ This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, II, folio 229. The vote is indorsed on it.

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Foster,	ay	*	Mr. Carroll,	ay	} ay
<i>Massachusetts,</i>			McHenry,	ay	
Mr. Holten,	ay	} ay	<i>Virginia,</i>		
Higginson,	ay		Mr. Bland,	no	} no
<i>Rhode Island,</i>			Lee,	ay	
Mr. Ellery,	ay	} div.	Mercer	no	
Howell,	no		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Hawkins,	ay	} ay
Mr. S. Huntington,	ay	} ay	Williamson,	ay	
B. Huntington,	ay		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Rutledge,	ay	} ay
Mr. Duane,	ay	} ay	Izard,	ay	
L'Hommedieu,	ay		Read,	no	
<i>Pennsylvania,</i>			Beresford,	ay	
Mr. Peters,	ay	*			

So the question was lost.

On the question to agree to the original motion, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Foster,	no	*	Mr. Carroll,	no	} no
<i>Massachusetts,</i>			McHenry,	no	
Mr. Holten,	no	} no	<i>Virginia,</i>		
Higginson,	no		Mr. Bland,	no	} ay
<i>Rhode Island,</i>			Lee,	ay	
Mr. Ellery,	no	} no	Mercer,	ay	
Howell,	no		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Hawkins,	ay	} ay
Mr. S. Huntington,	no	} no	Williamson,	ay	
B. Huntington,	no		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Rutledge,	no	} no
Mr. Duane,	no	} no	Izard,	no	
L'Hommedieu,	no		Read,	ay	
<i>Pennsylvania,</i>			Beresford,	no	
Mr. Peters,	no	*			

So the question was lost.

According to order, the full report of the proceedings of the court-martial, respecting the late mutiny, was laid before Congress.

Ordered, That the same be committed.¹

WEDNESDAY, SEPTEMBER 10, 1783

On the report of a committee, consisting of Mr. [James] McHenry, Mr. [Richard] Peters and Mr. [James] Duane, to whom was referred a report from the Secretary at War, on a motion of Mr. [Eliphalet] Dyer,

Resolved, That the Secretary at War inform the paymaster general, that brevet commissions do not entitle to pay or emoluments, unless the same be expressed in the resolution granting such commissions.²

A motion was made by Mr. [Arthur] Lee, seconded by Mr. [Samuel] Holten,

That the Superintendant of finance and the treasurer be directed to lay before Congress an account of all the notes which have been issued by them on the credit of the United States, together with an account of what part of those notes are now in circulation.³

Whereupon, it was moved by Mr. [Jacob] Read, seconded by Mr. [John Francis] Mercer, that the said motion be postponed, in order to take up the following:

That the house proceed to appoint five committees, to be composed of five members each, for the purposes mentioned and pointed out by the act of Congress of the 17 June, 1782.⁴

¹ According to the record in the *Papers of the Continental Congress*, Committee Book No. 186, Mr. [James] Duane, Mr. [John] Rutledge and Mr. [Jacob] Read were appointed, and delivered a report September 13.

² This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 21, folio 357.

³ This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 233.

⁴ This motion, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, II, folio 231. The three votes following it are indorsed thereon.

And on the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Jacob] Read,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Foster,	no	} no	Mr. Carroll,	ay	} div.
<i>Massachusetts,</i>			McHenry,	no	
Mr. Gerry,	no		<i>Virginia,</i>		
Holten,	no	} no	Mr. Bland,	no	} no
Higginson,	no		A. Lee,	no	
<i>Rhode Island,</i>			Mercer,	ay	
Mr. Ellery,	no	} no	<i>North Carolina,</i>		
Howell,	no		Mr. Hawkins,	no	} *
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. S. Huntington,	no	} div.	Mr. Rutledge,	ay	} ay
B. Huntington,	ay		Izard,	ay	
<i>New York,</i>			Read,	ay	
Mr. Duane,	no	} no	Beresford,	no	
L'Homedieu,	no				
<i>Pennsylvania,</i>					
Mr. Peters,	ay	} *			

So the question was lost.

On the question to agree to the original motion, the yeas and nays being required by Mr. A[rthur] Lee,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} *	Mr. Peters,	ay	} *
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	ay		Mr. Carroll,	ay	} ay
Holten,	ay	} ay	McHenry,	ay	
Higginson,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Bland,	ay	} ay
Mr. Ellery,	ay	} ay	A. Lee,	ay	
Howell,	ay		Mercer,	no	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. S. Huntington,	ay	} ay	Mr. Rutledge,	ay	} ay
B. Huntington,	ay		Izard,	ay	
<i>New York,</i>			Read,	no	
Mr. Duane,	ay	} ay	Beresford,	ay	
L'Homedieu,	ay				

So it was *Resolved* ~~in the affirmative,~~

That the Superintendant of finance and the treasurer be, and they are hereby directed to lay before Congress, an account of all the notes which have been issued by them on the credit of the United States, together with an account of what part of those notes are now in circulation.

It was then moved by Mr. [Jacob] Read, seconded by Mr. [Samuel] Holten,

That Congress proceed to-morrow to appoint five committees, to be composed of five members each, for the purposes mentioned and pointed out by the act of Congress of the 17 June, 1782.

And on the question to agree to this, the yeas and nays being required by Mr. [Daniel] Carroll,

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	ay	} ay	Mr. Carroll,	ay	} ay
Holten,	ay		McHenry,	ay	
Higginson,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Bland,	ay	} ay
Mr. Ellery,	ay	} ay	A. Lee,	ay	
Howell,	ay		Mercer,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. S. Huntington,	ay	} ay	Mr. Hawkins,	ay	} *
B. Huntington,	ay		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Rutledge,	ay	} ay
Mr. Duane,	ay	} ay	Izard,	ay	
L'Hommedieu,	ay		Read,	ay	
<i>Pennsylvania,</i>					
Mr. Peters,	ay	} *			

So it was resolved in the affirmative.

A motion was made by Mr. [John Francis] Mercer, seconded by Mr. [Jacob] Read, in the words following:

Whereas the offices of Congress have been ever open to the members thereof for information; but the late removal of Congress from Philadelphia, having rendered access to the office of finance inconvenient to the members;

Resolved therefore, that the Superintendant of finance be directed to transmit any information relating to that office which shall be required by a member of Congress.¹

A motion was made by Mr. [David] Howell, seconded by Mr. [Stephen] Higginson, that the preamble be struck out: and on the question, shall the preamble stand? the yeas and nays being required by Mr. [John Francis] Mercer,

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	no	} no	Mr. Carroll,	ay	} ay
Holten,	no		McHenry,	ay	
Higginson,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Bland,	ay	} ay
Mr. Ellery,	no	} no	A. Lee,	ay	
Howell,	no		Mercer,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. S. Huntington,	ay	} ay	Mr. Hawkins,	ay	} *
B. Huntington,	ay		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Rutledge,	no	} ay
Mr. Duane,	ay	} ay	Izard,	ay	
L'Hommedieu,	ay		Read,	ay	
<i>Pennsylvania,</i>					
Mr. Peters,	ay	} *			

So the question was lost, and the preamble was struck out.

The previous question was then moved on the resolution by the State of New York, and seconded by the State of Connecticut; and on the question to agree to the previous question, the yeas and nays being required by Mr. [John Francis] Mercer,

¹ This motion, in the writing of John Francis Mercer, is in the *Papers of the Continental Congress*, No. 36, II, folio 227. The following is in the writing of James McHenry. It is on the same folio with Mercer's motion.

"*Resolved*, That the Superintendant of Finance furnish the Members of Congress or any of them when called upon by said Members with an account of all expenditures of money made either at home or abroad and with an account of notes issued by the said office and in circulation or that may be issued by way of anticipation or otherwise."

The vote is indorsed on these two motions.

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Gerry,	ay	} ay	Mr. Carroll,	ay	} ay
Holten,	ay		McHenry,	ay	
Higginson,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. A. Lee,	no	} no
Mr. Ellery,	ay	} ay	Mercer,	no	
Howell,	ay		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Hawkins,	ay	} *
Mr. S. Huntington,	ay	} ay	<i>South Carolina,</i>		
B. Huntington,	ay		Mr. Rutledge,	ay	} ay
<i>New York,</i>		Izard,	ay		
Mr. Duane,	ay	Read,	ay		
L'Houmedieu,	ay				
<i>Pennsylvania,</i>					
Mr. Peters,	ay	} *			

So the previous question was lost.

The Committee consisting of M^r S[amuel] Huntington, M^r [Arthurs] Lee, and M^r [Ralph] Izard, to whom were referred the letters from M^r Dana of the 6th, 11th, 14th, and 28th of April with the papers enclosed,

Report that in the opinion of your Committee, the proceedings and conduct of M^r Dana at the Court of Petersburg merit the approbation of Congress; ~~nevertheless~~ but your Committee ~~cannot discover~~ do not think that there are any sufficient reasons for changing the Resolution of Congress, of the first Day of April, respecting his return agreeably to his intimation.

Your Committee therefore submit the following resolution:

Resolved, That Congress approve of the proceedings and conduct of M^r Dana at the Court of Petersburg.

Resolved, That M^r Dana have leave to return to America agreeably to his ~~former intimation~~ request pursuant to the resolution of Congress of the first of April last, to which he is referred for his government and direction.¹

¹This report, in the writing of Samuel Huntington, is in the *Papers of the Continental Congress*, No. 19, II, folio 5. The indorsement states that it was delivered this day and read. According to the record in Committee Book No. 186, the first three letters were referred to the committee on August 9, and that of April 28 added at a later date. Dana's letters of April 17, 22, 25, and May 9 (April 6, 11, 14, and 28, O. S.), are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) VI, pages 381, 390, 392, and 417.

Resolved, That Mr Dana be informed that Congress consent to his embracing an early opportunity to return to America, having no expectation of any Treaty with the Court of Russia which will comport with the Dignity of the United States.¹

The Com^{ee} [Mr. James Duane, Mr. Arthur Lee and Mr. Daniel Carroll] to whom was referred the letter from Francisco Rendon dated the 14th of August, a memorial of Antonio Argote representing himself to be owner of the Spanish Flag *S^t Antonio*, together a certain Writ of attachment issued from the Court of Appeals for the United States in Cases of Captures and a petition from Isaac Sears and others owners of the Letter of Marque *Patty* submit the following Report:

That it appears to your Committee that the petitioners Isaac Sears and others were owners of a Letter of Marque Brigantine called the *Patty*. That the said Brigantine captured in the Bay of Mexico the Brigantine *S^t Antonio* commanded by Andrew Dumont. That she was conveyed to the port of Boston in the State of the Massachusetts and libelled and condemned in the Maritime Court of the middle district of the said State. That Pere Debadé in behalf of the said Antonio De Argote appealed from the said sentence to the Court of Appeals for the United States in Cases of Capture; and it was so provided that by a final sentence and decree of the said Court of Appeals in which the said William Haydon was libellant and appellee the decree of condemnation of the said Brigantine *S^t Antonio* then lately pronounced in the said Maritime Court of the middle district of the State of Massachusetts was in all its parts revoked and annulled and the said Brigantine *S^t Antonio* and her Cargo ordered to be restored to the said ~~Peter~~ Pere Debadé the appellant to and for the use and benefit of the said Antonio De Argote on whose behalf the said Debadé appealed; and it was further ordered and decreed that the appellees should pay all the costs as well of the Court below as of the said Court of appeals and also the sum of one thousand dollars as damages for the capture and detention of the said Vessel and Cargo to the appellant in the said cause.

That it further appears to your Committee from the attachment under the Seal of the said Court of appeals, that after pronouncing the definitive sentence or decree in the said Court of Appeals, a transcript thereof duly authenticated was produced and shewn by the persons

¹ This resolution, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, II, folio 7. It is undated, but was probably also presented on this day.

in the said attachment mentioned to Leonard Jarvis and Joseph Russell agents for the said Brigantine *Patty* which had captured the said Brigantine *S^t Antonio* and her Cargo and which said Joseph Russell then had in his hands the proceeds of the Cargo aforesaid and also to the said Isaac Sears one of the owners of the said Brigantine *Patty* and it was demanded of them severally in behalf of the said Antonio Argote to comply with and obey the said decree which they did then and there severally refuse. That the attachment referred to your Committee issued on such refusal from the said Court of appeals against the said Leonard Jarvis, Joseph Russell and Isaac Sears to answer for the trespass and contempt aforesaid.

That the petition of the said Isaac Sears and others contains a narrative of the capture and proceedings aforesaid, a detail of part of the evidence and objections against the definitive decree of the Court of Appeals: and after questioning the Authority of the said Court to annul the sentence of the Court below as founded on the verdict of a Jury, and a complaint that the said Court had exceeded their powers in decreeing damages, prays that Congress would grant them a new hearing: But if Congress should not think proper to grant that relief, the petitioners request that all the papers produced at the Court of Appeals or authentic copies thereof may be granted to the petitioners for the purpose of making an application to the Court of his Catholic Majesty.

Your Committee further report an answer of the 4th instant from John Potts J^r Register of the Court of Appeals to a letter from your Committee by which it appears that it has invariably been the practice of that Court to give authenticated copies of any papers either before or after final decree to either of the parties requesting them, and without any other application than to the Register: that in the case of the *St. Antonio* no such application has been made: and that when it is the party shall be furnished with the copies as early as possible.

On this State of facts your Committee observe that the complaint of the petitioners of irregular proceedings in the Court of Appeals in the case of the Brigantine *S^t Antonio* captured by the above mentioned letter of Marque is not accompanied with evidence; which alone would have prevented the order for a new hearing prayed for, had it remained with Congress to grant such new trial.

That your Committee are further of opinion that Congress have no judicial power in cases of appeals for captures: the 9th Article of Confederation and perpetual union authorizes Congress among other things to establish Courts for receiving and determining finally appeals

in all cases of captures, provided that no member of Congress shall be appointed a Judge of such Court. Hence it is evident to your Committee that the final decree and decision in all such cases is reposed in the Court of appeals over which Congress has no control but that of removing the Judges for corruption or misdemeanor.

With respect to the prayer of the petitioners for a copy of the proceedings and evidence in the Court of Appeals, it appears from the report of the Register, that no demand has been made for such copies and that there is no obstacle to the delivery of them.

Upon the whole your Committee submit the following Resolution:

Resolved, That it be recommended to the Supreme Executive of the State of Massachusetts to give such assistance as shall be found necessary to the due execution of the definitive decree of the Court of Appeals in Cases of Capture in a certain Maritime Cause lately determined in the said Court wherein William Haydon who as well &c, was libellant and appellee, and Pere Debade in behalf of Don Antonio Argote was claimant and appellant.¹

The committee, consisting of Mr. [James] Duane, Mr. [James] Wilson, Mr. [Jacob] Read, Mr. [James] McHenry, and Mr. [James] Madison, to whom was referred a letter of the 23rd August, 1783, from the Honourable Brigadier General Elias Dayton to the President of Congress covering resolutions of the inhabitants of the township of Elizabeth Report,

That the President ~~of Congress~~ do inform General Dayton that Congress entertain a great sense of the ~~very~~ affectionate address of the inhabitants of the township of Elizabeth ~~and their generous invitation to make the borough of Elizabeth the future residence of Congress and highly applaud the readiness and pleasure with which the inhabitants of Elizabeth profess themselves prepared to submit to such jurisdiction as may be necessary to be established for the effectual support of the honour, dignity independence and constitutional authority of the supreme head of the American Union.~~²

The Committee [Mr. Samuel Holten, Mr. James Wilson, Mr. Daniel Carroll, Mr. Samuel Huntington and Mr. James Duane] appointed to

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, V, folio 267. The indorsement states that it was delivered on this day, entered and read. The petition of Isaac Sears and others is in No. 42, VII, folios 165-168; and the indorsement shows that it was read and referred August 15. The letter of Francisco Rendon, dated Philadelphia, August 14, 1783, is in No. 78, XIX, folio 443; the memorial of Antonio Argote, undated, is on folio 447; and the writ of attachment from the Court of Appeals, dated July 24, 1783, is on folio 451.

² This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 46, folio 107. The indorsement states that it was read on this day.

confer with His Excellency the Commander in Chief on the Peace arrangements, submit the following Report,

That they have agreeably to the order of Congress conferred with the Commander in Chief on the Peace Arrangement and have obtained his sentiments thereupon in writing, which they submit to Congress.¹

OBSERVATIONS CONSEQUENT OF A REQUEST OF THE COMMITTEE.

Upon a careful examination of the Report, drawn the 17th of June, by the Committee on the Peace Arrangement, the following remarks have occurred:

Notwithstanding there may not be any very essential difference between the proposed plan for a standing force now under consideration, and the sketches which were given in my Memorial of the 1st of May; yet it is my wish to make known the motives which induced me to differ in judgment from the Committee in some instances, respecting the Peace Arrangement, and to alter my sentiments on other points, in consequence of new informations, which has been produced by farther discussion.

The principal reasons for my proposing that the pay and subsistence of the officers should remain the same as they now are (except in the instances specified) were because that compensation had generally been deemed adequate and not too high, and because we had found by experience, after many changes and alterations, the present allowance to be better proportioned to the different grades, more satisfactory to the officers, and less inconvenient to the public, than any system which had been attempted; nor can I agree with the Committee that the establishment reported by them, is more economical than either of the plans which have been proposed, since the number of men in their establishment actually to be raised, exceeds that suggested in my Memorial by upwards of four hundred, and the increase of pay in consequence of an additional number of Superior officers in the Corps of Engineers will more than counterbalance the saving which will be made by the proposed diminution of the pay of the Regimental Staff and Subalterns, and yet I know not whether this increase of expence may not be expedient and necessary; at least I should not make any objection to the augmentation of the number of men in the Infantry Companies, as the various and dispersed services to which they will be destined may probably require more

¹ This report, in the writing of Samuel Holten, is in the *Papers of the Continental Congress*, No. 38, folio 353. The enclosure is on folios 343-351.

than I had taken into my calculation, and the blending the Engineers and Artillerists of the army in one Corps, may make it requisite to add the number of officers proposed by the Committee, which will under those circumstances, justify a departure from the present Artillery Establishment, on which my estimate was founded. And here I will take the liberty to suggest the expediency of restraining all officers, stationed in the Indian Country, from carrying on, directly or indirectly, any commerce or traffic with the natives. It would be better to make a pecuniary compensation for any extra trouble of the Commanding Officer, in giving passes and regulating these things, than to suffer so pernicious a custom to take place.

Perhaps it is rather unimportant in what manner some little alterations shall be decided, as for instance whether the third officer of a Company shall be called a Lieutenant or an Ensign, provided the duties and emoluments are perfectly defined; but I highly approve the scheme of having supernumeraries appointed to fill the staff offices, without depriving the Companies of their full proportion of officers.

The same reason which makes it proper to have two Serjeant Majors &c. in each Regiment of Infantry, will also make it equally necessary to have two Surgeon's Mates.

It appears to me, in case the pay of the Privates shall be established at two dollars per month, that a considerable bounty will be required to enlist them, or that the states, after having the quotas apportioned to them, must be obliged to keep their compliment constantly in service.

I am also of opinion that to the annual allowance of cloathing per man, one blanket, two pair of woolen hose, and one or two shirts should be added, also eight or ten watch coats per company.

The rule of promotion proposed seems unexceptionable. But the perpetual confusion which must ensue from promotions being made, in a Corps composed of officers and men of different states, by the authority of each of those different states, will totally destroy all regularity in our Military system. "It would indeed be much to be preferred that the states could be induced to transfer this right to Congress;" And possibly upon condition of confining the appointment and promotion of officers in equal proportions to the particular states whose troops form a Regiment, the right might be yielded, for example, if New Hampshire gives two companies, and Massachusetts six, the officers then to be appointed and kept in service from those two states, to be in as nearly the rate of 2 to 6 as possible; the same

if another Regiment should be formed by the states of Rhode Island, Connecticut, New York and New Jersey &c. &c.

On the Committee's report respecting Fortifications, Arsenals and Magazines, Military Academies, Foundaries and Manufactories, General Staff and General Hospital, no observations are necessary, except that if it is the opinion of the Committee, the establishment of five instead of three Magazines is necessary, I shall not make any hesitation in yielding to their sentiment. I wish not to be too tenacious, tho' the division of the Continent into three districts had been suggested, in addition to the reasons I formerly mentioned, by a similar distribution which Congress had made in the article of promotion, but I must beg leave to remark that the general outlines for the establishment of the national militia, do not seem to me to be so well calculated to answer the object in view, as could be wished, altho' unacquainted as I am with the militia laws of the several states, I cannot undertake to say what particular regulation should be adopted for classing or forming the great body of citizens who must be borne on the rolls of the militia, and for obliging them to march for the public defence in a manner least inconvenient and most effectual. Yet I cannot but think some more eligible plan could be devised; and I am fully persuaded that the Fencibles, Fusileers, or Train Bands, formed of the Inhabitants of Cities and Incorporated Towns will not afford that prompt and efficacious resistance to an Enemy, which might be expected from regularly established Light Infantry Companies, or a general selection of the ablest men from every Regiment or Brigade of Militia, in either of the modes I had formerly the honor to propose; because such an establishment would in my opinion, be more agreeable to the genius of our Countrymen, because it would distribute Military knowledge and ambition more equally and extensively, because it would on these accounts prevent jealousies, and afford the same kind of protection to every part of the Union which the companies designated by the name of Minute Men did at the commencement of the late war; and, because the number being fixed to any proportion from $\frac{1}{8}$ to $\frac{1}{5}$ of the whole militia, that number of disciplined effective men may always be relied on, in case of a war, as an effectual barrier to stop the torrent of hostility, until a regular and permanent force could be levied; and in order to make this corps the more respectable, I should heartily concur in giving them a superiority of rank, immunities or emoluments over the rest of the militia.

G^o WASHINGTON

ROCKY HILL 8th September, 1783

THURSDAY, SEPTEMBER 11, 1783

On motion of Mr. [James] McHenry, seconded by Mr. [Richard] Peters,

Resolved, That the Secretary at War be, and he is hereby directed to issue to Captain North, aid-de-camp to Major General the Baron Steuben, the brevet commission of major in the army of the United States.

Congress resumed the consideration of the report of the committee on the cession of Virginia; after debate, a motion was made by Mr. [James] McHenry, seconded by Mr. [Daniel] Carroll,

That the consideration of the report on the cession from Virginia, be postponed till Thursday next, in order that notice may be given to the states of New Jersey and Delaware, or those states which it may be reasonably expected can give their attendance.

A motion was made by Mr. [Stephen] Higginson, seconded by Mr. [Samuel] Holten, to strike out what follows the words "Thursday next:" And on the question, shall those words stand? the yeas and nays being required by Mr. [Daniel] Carroll,

<i>New Hampshire,</i>				<i>Maryland,</i>			
Mr. Foster,	no	}	*	Mr. Carroll,	ay	}	ay
<i>Massachusetts,</i>				McHenry,	ay		
Mr. Holten,	no	}	no	<i>Virginia,</i>		}	no
Higginson,	no			Mr. Bland,	no		
<i>Rhode Island,</i>				A. Lee,	ay		
Mr. Ellery,	ay	}	div.	Mercer,	no	}	
Howell,	no			<i>North Carolina,</i>			
<i>Connecticut,</i>				Mr. Hawkins,	no	}	no
Mr. S. Huntington,	no	}	no	Williamson,	no		
B. Huntington,	no			<i>South Carolina,</i>		}	no
<i>New York,</i>				Mr. Rutledge,	no		
Mr. Duane,	no	}	no	Izard,	no		
L'Hommedieu,	no			Read,	no		
<i>Pennsylvania,</i>				Beresford,	no		
Mr. Fitzsimmons,	no	}	no				
Montgomery,	ay						
Peters,	no						

So it passed in the negative, and the words were struck out.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Foster,	no	} *	Mr. Carroll,	ay	} ay
<i>Massachusetts,</i>			McHenry,	ay	
Mr. Holten,	no	} no	<i>Virginia,</i>		
Higginson,	no		Mr. Bland,	no	} no
<i>Rhode Island,</i>			A. Lee,	no	
Mr. Ellery,	ay	} div.	Mercer,	no	
Howell,	no		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Hawkins,	no	} no
Mr. S. Huntington,	no	} no	Williamson,	no	
B. Huntington,	no		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Rutledge,	no	} no
Mr. Duane,	no	} no	Izard,	no	
L'Hommedieu,	no		Read,	no	
<i>Pennsylvania,</i>			Beresford,	ay	
Mr. Fitzsimmons,	no	} no			
Montgomery,	ay				
Peters,	no				

So it passed in the negative.¹

¹ On this day, as the indorsement states, was read a letter from John Pierce, Paymaster General, dated Princeton September 11, 1782, respecting his allowances, and referred to Mr. [Hugh] Williamson, Mr. B[enjamin] Huntington and Mr. [William] Ellery. The indorsement further states: "Report of Committee on this passed April 15, 1784." The letter is in the *Papers of the Continental Congress*, No. 41, VIII, folio 172. According to Committee Book No. 191 the report was delivered September 18.

Also, an address of the inhabitants of Germantown inviting Congress to make that town the place of their permanent residence. It is in No. 46, folios 117-121.

On September 12, according to the indorsement and the record in Committee Book No. 186, was read a petition of John Halsted, late Deputy Commissary General in Canada, dated Prince Town, September 12th, 1783. It was referred, on the same day, to Mr. [Thomas] FitzSimons, Mr. B[enjamin] Huntington and Mr. [Elbridge] Gerry, who delivered a report on September 17. The report was acted upon September 20 and Halsted's petition, with its enclosures, was referred on that day to the Superintendent of Finance. The petition is in No. 41, II, folio 142.

SATURDAY, SEPTEMBER 13, 1783

A memorial from the hon^{ble} the Minister Plenipotentiary of France, was read, enclosing a commission of Chevalier D'Annemours, consul general of France, in the State of Maryland, the Commonwealth of Virginia and the states of North Carolina, South Carolina and Georgia; Whereupon,

The Committee [Mr. Thomas FitzSimons, Mr. James Madison' and Mr. Elbridge Gerry] to whom was referred the Memorial of the Minister of France respecting the Commission of the Chevalier D'Annemours as Consul Genl. for the States of Virginia N. and S. Carolina and Georgia, Report,

That the Secretary be directed to make out the necessary papers, agreeably to the prayer of the Memorial.¹

Ordered, That the commission be registered, and that it be recognised, and an exequatur issued in due form.²

Congress resumed the consideration of the report of the committee on the Virginia cession, and the same being amended, a motion was made by Mr. ~~McHenry~~ [Daniel] Carroll, seconded by Mr. ~~Carroll~~ [James] McHenry, to postpone the further consideration of the report, in order to take up the following:

Whereas by the 6th article of the preliminary articles of peace between his Britannic Majesty, and their Most Christian and Catholic Majesties, signed on the 3d day of November, 1762, and ratified the 10 day of February, 1763, it is stipulated and agreed, that, "the confines between the dominions of Great Britain and France, on the continent of North America, shall be irrevocably fixed by a line drawn along the middle of the river Mississippi, from its source as far as the river Iberville, and from thence by a line drawn along the middle of this river, and of the lakes Maurepas and

¹ This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 25, II, folio 255. The memorial is in No. 41, III, folio 274. The indorsement shows that it was read and referred, September 12.

² This order was also entered in the manuscript Secret Journal, Foreign Affairs.

Pontchartrain to the sea"; and to this purpose the Most Christian king cedes in full right and guaranties to his Britannic Majesty the river and port of Mobile, and every thing that he possesses on the left side of the river Mississippi, except the town of New Orleans, and the island on which it is situated, which shall remain to France; provided that the navigation of the river Mississippi shall be equally free to the subjects of Great Britain and France, in its whole breadth and length from its source to the sea, and that part expressly which is between the said island of New Orleans, and the right bank of that river, as well as the passage both in and out of its mouth. And whereas by the nineteenth article of the said treaty, his Catholic Majesty cedes and guaranties in full right to his Britannic Majesty, all that Spain possesses in the continent of North America, to the east or to the southeast of the river Mississippi. And whereas by the articles of treaty between Great Britain and the United States, done at Paris the 30th day of November, 1782, the boundaries of the United States are set forth, described and agreed to be by the 2d article of the said treaty, viz. "From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river to the 45th degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake, until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into lake

Huron; thence through the middle of the said lake to the water communication between that and lake Superior; thence through lake Superior northward of the isles Royal and Philipeaux, to the long lake; thence through the middle of said long lake and the water communication between it and the lake of the woods, to the said lake of the woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the 31st degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of 31 degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the flint river; thence straight to the head of St Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence: comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic ocean; excepting such islands as now are or heretofore have been within the limits of the said province of Nova Scotia."

And whereas by the 6th and 11th articles of the treaty of alliance, eventual and ~~definitive~~ defensive, between the Most Christian King, and the United States, signed at Paris 6th February, 1778, and ratified by the United States in Congress assembled, the 4 day of May, 1778, the Most Christian King renounces for ever the possession of the islands of

Bermudas, as well as of any part of the continent of North America, which before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the Crown of Great Britain or to the United States, heretofore called British colonies, or which are at this time, or have lately been under the power of the King and Crown of Great Britain, and guarantees to the United States their possessions and the additions or conquests that their confederation may obtain during the war, from any of the dominions now or heretofore possessed by Great Britain in North America. And whereas the territory ceded and guarantied as aforesaid, comprehends a large extent of country lying without the lines, limits or acknowledged boundaries of any of the United States, over which, or any part of which, no State can or ought to exercise any sovereign, legislative or jurisdictional faculty, the same being acquired under the confederation, and by the joint and united efforts of all. And whereas ~~more than a majority~~ several of the states acceded to the confederation under the idea held forth by the State of Maryland, in her instructions to her delegates, entered on the Journals of Congress, May 21, 1779, viz. "that a country unsettled at the commencement of this war, claimed by the British Crown, and ceded to it by the treaty of Paris, if wrested from the common enemy, by the blood and treasure of the thirteen states, should be considered as a common property, subject to be parcelled out by Congress, into free, convenient and independent governments, in such manner, and at such times, as the wisdom of that assembly shall hereafter direct." And whereas the said State of Maryland, especially for herself, provides and declares, in "An Act entered on the Journals of Congress, 12 February, 1781, entitled an act to empower the delegates¹ of this State in Congress, to subscribe and ratify the Articles of Confederation," viz. "that by acceding to the said confederation, this State doth not relinquish or

¹ From this point the entries in the Journal are by George Bend.

intend to relinquish any right or interest she hath with the other united or confederated states, to the back country; but claims the same as fully as was done by the legislature of this State, in their declaration which stands entered on the Journals of Congress; this State relying on the justice of the several states hereafter, as to the said claim made by this State."

~~And whereas by the blessing of divine providence, this country has arrived at the period of its expectations, the full acknowledgment of independence and the free enjoyment of peace, with the addition of a large tract of territory.~~

And whereas the United States have succeeded to the sovereignty over the western territory, and are thereby vested as one undivided and independent nation, with all and every power and right exercised by the king of Great Britain, over the said territory, or the lands lying and situated without the boundaries of the several states, and within the limits above described; and whereas the western territory ceded by France and Spain to Great Britain, relinquished to the United States by Great Britain, and guaranteed to the United States by France as aforesaid, if properly managed, will enable the United States to comply with their promises of land to their officers and soldiers; will relieve their citizens from much of the weight of taxation; will be a means of restoring national credit, and if cast into new states, will tend to increase the general happiness of mankind, by rendering the purchase of land easy, and the possession of liberty permanent; therefore

Resolved, That a committee be appointed to report the territory lying without the boundaries of the several states, and within the limits of the United States, and to report the most eligible part or parcels thereof, for one or more convenient and independent states; and also to report an establishment for a land-office.¹

¹ This motion, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 30, folios 583-588. It is undated.

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Daniel] Carroll,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Foster,	ay	} *	Mr. Carroll,	ay	} ay
<i>Massachusetts,</i>			McHenry,	ay	
Mr. Holten,	no	} no	<i>Virginia,</i>		
Higginson,	no		Mr. Jones,	no	} no
<i>Rhode Island,</i>			Madison,	no	
Mr. Ellery,	no	} no	Bland,	no	
Howell,	no		Lee,	no	
<i>Connecticut,</i>			Mercer,	no	
Mr. S. Huntington,	no	} no	<i>North Carolina,</i>		
B. Huntington,	no		Mr. Hawkins,	no	} no
<i>New York,</i>			Williamson,	no	
Mr. Duane,	no	} no	<i>South Carolina,</i>		
L'Hommiedieu,	no		Mr. Rutledge,	no	} no
<i>New Jersey,</i>			Read,	no	
Mr. Boudinot,	ay	} ay	Beresford,	no	
Clark,	ay				
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	no	} no			
Montgomery,	ay				
Peters,	no				

So the question was lost.

The report as amended, is as follows:

The committee, consisting of Mr. [John] Rutledge, Mr. [Oliver] Ellsworth, Mr. [Gunning] Bedford, Mr. [Nathaniel] Gorham and Mr. [James] Madison, to whom were referred the act of the legislature of Virginia, of the 2d of January, 1781, and the report thereon, report, that they have considered the several matters referred to them, and observe, that the legislature of Virginia, by their act of the 2d of January, 1781, resolved that they would yield to the Congress of the United States, for the benefit of the said states, all right, title and claim which the said Commonwealth hath to the lands northwest of the river Ohio, upon the following conditions, viz.

1. That the territory so ceded, should be laid out and formed into states, containing a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances would admit: and that the states so formed, should be distinct republican states, and admitted members of the federal union; having the same rights¹ of sovereignty, freedom and independence as the other states.

2. That Virginia should be allowed and fully reimbursed by the United States, her actual expences in reducing the British posts at the Kaskaskies and St. Vincents, the expence of maintaining garrisons and supporting civil government there, since the reduction of the said posts, and in general all the charge she has incurred on account of the country on the northwest side of the Ohio river, since the commencement of the present war.

3. That the French and Canadian inhabitants and other settlers of the Kaskaskies, St. Vincents and the neighbouring villages, who have professed themselves citizens of Virginia, should have their possessions and titles confirmed to them, and should be protected in the enjoyment of their rights and liberties; for which purpose troops should be stationed there at the charge of the United States, to protect them from the encroachments of the British forces at Detroit or elsewhere, unless the events of the war should render it impracticable.

4. As Colonel George Rogers Clarke planned and executed the secret expedition by which the British posts were reduced, and was promised if the enterprize succeeded, a liberal gratuity in lands in that country, for the officers and soldiers who first marched thither with him; that a quantity of land not exceeding one hundred and fifty thousand acres, should be allowed and granted to the said officers and soldiers, and the other officers and soldiers that have

¹ Here Charles Thomson resumes the entries in the Journal.

been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the northwest side of the Ohio as the majority of the officers should choose, and to be afterwards divided among the said officers and soldiers, in due proportion according to the laws of Virginia.

5. That in case the quantity of good lands on the south-east side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops upon continental establishment, should, from the North Carolina line, bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands, to be laid off between the rivers Scioto and little Miamis, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia.

6. That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, should be considered as a common fund for the use and benefit of such of the United American States, as have become or shall become members of the confederation or fœderal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and should be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever.

7. And therefore that all purchases and deeds from any Indian or Indians, or from any Indian nation or nations, for any lands within any part of the said territory which have been or should be made for the use or benefit of any private person or persons whatsoever, and royal grants

within the ceded territory, inconsistent with the chartered rights, laws and customs of Virginia, should be deemed and declared absolutely void and of no effect, in the same manner as if the said territory had still remained subject to and part of the Commonwealth of Virginia.

8. That all the remaining territory of Virginia, included between the Atlantic ocean and the southeast side of the river Ohio, and the Maryland, Pennsylvania and North Carolina boundaries, should be guarantied to the Commonwealth of Virginia, by the said United States.

Whereupon your committee are of opinion, that the first condition is provided for by the act of Congress of the 10th of October, 1780.

~~That the second condition is substantially comprehended in the engagement made by Congress in the said act, and~~

[That in order to comply with the second condition so far as has been heretofore provided for by the act of the 10th of October, 1780, it is agreed] that one commissioner should be appointed by Congress, one by the State of Virginia, and another by those two commissioners, who, or a majority of whom, should be authorised and empowered to adjust and liquidate the account of the necessary and reasonable expences incurred by the said State, ~~for the purpose mentioned in the said condition~~ [which they may judge to be comprised within the true intent and meaning of the said recited act.]

With respect to the third condition, the committee are of opinion, that the settlers therein described should have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties.

Your committee are further of opinion, that the 4th, 5th and 6th conditions being reasonable, should be agreed to by Congress.

With respect to the 7th condition, your committee are of opinion, that it would be improper for Congress to declare

the purchases and grants therein mentioned, [~~void, as they ought not to prejudge the claims of individuals or others, but ought to leave them to be determined according to the principles of equity and the Constitution~~] absolutely void and of no effect; and that the 6th condition, engaging how the lands beyond the Ohio shall be disposed of, is sufficient on this point.

As to the last condition, your committee are of opinion, that Congress cannot agree to guarantee to the Commonwealth of Virginia, the land described in the said condition, without entering into a discussion of the right of the State of Virginia to the said land; and that by the acts of Congress it appears to have been their intention, which the committee cannot but approve, to avoid all discussion of the territorial rights of individual states, and only to ~~require~~ recommend and accept a cession of their claims, whatsoever they might be, to vacant territory. Your committee conceive this condition of a guarantee, to be either unnecessary or unreasonable; inasmuch as, if the land above-mentioned is really the property of the State of Virginia, it is sufficiently secured by the confederation, and if it is not the property of that State, there is no reason or consideration for such guarantee.

Your committee therefore upon the whole recommend, that if the legislature of Virginia make a cession conformable to this report, Congress ~~should~~ accept such cession.

~~And that a committee be appointed to repair to the State of Virginia, make the proper representation to its legislature, and endeavor to obtain what may be necessary on the part of the State for carrying the views of Congress into effect,~~¹

¹ A printed copy of this report, which was the one considered, as the indorsement shows, is in the *Papers of the Continental Congress*, No. 30, folio 563. It was delivered June 6, debated June 20, and agreed to on September 13. The amendments in the printed copy, made in Congress, which are indicated by brackets, are in the writing of Elias Boudinot. A manuscript draft of the report, in the writing of John Rutledge, is on folios 565¹-567. It is indorsed as delivered June 6, entered and read and "Monday next assigned." A copy in the writing of Charles Thomson is on folios 589-595.

On the question to agree to this report, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Foster,	no	}	Mr. Carroll,	no	}
<i>Massachusetts,</i>			McHenry,	no	
Mr. Gerry,	ay	}	<i>Virginia,</i>		
Holten,	ay		Mr. Jones,	ay	}
Higginson,	ay		Madison,	ay	
<i>Rhode Island,</i>			Bland,	ay	
Mr. Ellery,	ay	}	A. Lee,	ay	
Howell,	ay		Mercer,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. S. Huntington,	ay	}	Mr. Hawkins,	ay	}
B. Huntington,	ay		Williamson,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Duane,	ay	}	Mr. Rutledge,	ay	}
L'Hommedieu,	ay		Read,	ay	
<i>New Jersey,</i>			Beresford,	no	
Mr. Boudinot,	no	}			
Clark,	no				
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	ay	}			
Montgomery,	no				
Peters,	ay				

So it was resolved in the affirmative.

On the report of a committee, consisting of Mr. [James] Duane, Mr. [John] Rutledge and Mr. [Jacob] Read, to whom were referred certain papers respecting the mutiny of a part of the continental troops of the Pennsylvania line:

~~That they have duly considered the proceedings of the general Court Martial whereof The Brigadier General John Paterson was president lately held near the City of Philadelphia in the State of Pennsylvania for the trial of persons promoting or concerned in the late mutiny of the said troops stationed at Lancaster in the said State and in the Barracks of the City of Philadelphia and the motion of Mr. Read with the amendment proposed by Mr. Williamson and therefore submit the following report:~~

~~That in consideration of the bravery, fidelity and persevering exertions of the American army in general during the long, arduous and glorious war in which they have been engaged; from a sense of~~

~~their fortitude in patiently submitting to innumerable wants and hardships; in consideration of the speedy submission of the troops concerned in the mutiny, their return to their duty, and their penitence for their offences; that they were seduced and stimulated by the arts and practices of the late Captain ——— Carberry of the Pennsylvania line and Lieut. ——— Sullivan of the ——— regiment of light dragoons, who have fled from justice, that the persons convicted by the court appear to have been mere instruments of their more artful leaders; and lastly in consideration that no lives have been lost nor any violent outrage on private property committed during the said mutiny;~~¹

~~A pardon to be granted to Christian Nagle and John Morrison late serjeants in the third Pennsylvania regiment who have been convicted by sentence of the said general Court Martial and are now under sentence of death;~~²

~~and also to gunner ——— Lilly and Drummer ——— Horn of the fourth Pennsylvania Artillery and to Thomas Flowers and William Carman soldiers in the third Pennsylvania regiment severally sentenced to receive corporal punishment by whipping, and submit the following form of a pardon as proper on the occasion, to be issued under the seal of the United States:~~

Congress agreed to the following act and resolutions:

THE UNITED STATES IN CONGRESS ASSEMBLED,

To all to whom these presents shall come, be seen or made known, send greeting:

Whereas at a general court-martial, whereof Brigadier General John Patterson was president, lately held near the city of Philadelphia, in

¹ “In consideration of the bravery, fidelity and persevering exertions of the American army and that happily no lives were lost during the late mutiny &c and that the principals have escaped &c That a pardon be granted to ———.” This passage, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, IV, folio 201. It is undated.

The following, in the writing of Elias Boudinot, is on folio 205:

“And whereas ~~Capt Carberry of ——— and ——— and Lt Sullivan of ———~~ the said prisoners appear not to have been the principals in the said mutiny ~~have fled from justice and no lives having been lost by their means or any violence destruction of private property committed during the said mutiny~~”

² “That a general pardon be granted to all such persons as have been convicted and sentenced to suffer death or corporal punishment for mutiny or aiding and abetting the same by the late general court martial held at Philadelphia ~~the principals of such mutiny having escaped.~~” This passage, undated, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 36, IV, folio 203.

the State of Pennsylvania, for the trial of persons promoting or concerned in the late mutiny of part of the Pennsylvania line of continental troops, stationed at Lancaster, and in the barracks of the city of Philadelphia, in the said State, Christian Nagle and John Morrison, late serjeants in the third Pennsylvania regiment, were severally charged with, and convicted of a breach of the third article of the second section of the rules and articles of war, and by award of said court were severally sentenced to suffer death. And whereas also gunner Lilly and drummer Horn, of the fourth or Pennsylvania artillery, and Thomas Flowers and William Carman, soldiers in the said third Pennsylvania regiment, were severally charged with, and convicted of a breach of the said article and section of the rules and articles of war, and by award of the said court, were severally sentenced to receive corporal punishment. And whereas the said prisoners appear not to have been principals in the said mutiny, and no lives having been lost, nor any destruction of property committed; now know ye, that of special grace and mere motion, and by virtue of the power and authority vested by the Articles of Confederation and perpetual union, the United States in Congress assembled, have thought fit to pardon and remit, and by these presents do grant a full, free and absolute pardon and remission to the said Christian Nagle, John Morrison, gunner Lilly, drummer Horn, Thomas Flowers and William Carman, and each of them, of all judgments or sentences of death, or other corporal punishment, pains or penalties whatsoever given or awarded by the said general court-martial. And we do strictly charge and command, all and singular our officers, civil and military, to surcease from longer molestation or imprisonment of the said Christian Nagle, John Morrison, gunner Lilly, drummer Horn, Thomas Flowers and William Carman; and do further will and require, that they severally from henceforth go free and acquit of their several convictions, judgments and sentences aforesaid.

Done in Congress this 13 day of September, 1783.

Resolved, That the sentences of the court-martial acquitting Captain Christie, Captain Symonds and Lieutenant Huston, be, and they are hereby confirmed.

Resolved, That the thanks of Congress be given to Major General Robert Howe, for the prudence and propriety with

which he executed the enquiry into the late mutiny of a part of the Pennsylvania line of continental troops.¹

The Committee [Mr. Richard Peters, Mr. Theodorick Bland, Mr. Samuel Huntington] to whom was referred the letter of Col. Pickering with its enclosures relative to a demand made in behalf of the State of N. York for damages done the lands confiscated by the laws of that State, by the allied Army, report,

That the consideration thereof be postponed until Congress shall determine on making allowances to all sufferers in the like cases during the late war.²

MONDAY, SEPTEMBER 15, 1783

On the report from the Secretary at War:

Resolved, That the commission of lieutenant colonel by brevet, in the army of the United States, be issued to Major Murnan.³

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 21, folio 367. The final resolution, also in Jacob Read's writing, is in No. 36, IV, folio 199.

² This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 19, V, folio 177. According to the indorsement it was read this day. Pickering's letter, dated Newburgh, August 30, 1783, is in No. 165, folio 669. It was read and referred to the committee, September 8. Copies of the appraisements are on folios 673 and 675.

On this day, as the indorsement states, was read the memorial of Lieutenant William Stuart, of Brigadier General Hazen's regiment, dated Princeton, September 11, 1783, praying for relief from suits against him for acts done according to military orders. It was referred to Mr. [Benjamin] Hawkins, Mr. [Arthur] Lee and Mr. [James] Duane. It is in No. 41, IX, folio 223.

Also, a petition of James Elliot, respecting his pay as Assistant Geographer, which was referred to Mr. [Hugh] Williamson, Mr. [Arthur] Lee and Mr. [Richard] Peters. It is in No. 42, II, folio 408. The letter of Simeon DeWitt and the memorial of Thomas Hutchins were referred to the same committee. The memorial of Thomas Hutchins, dated Philadelphia, September 8, is in No. 41, IV, folio 107, and DeWitt's, dated August 5, is in No. 78, VIII, folio 17. See *post*, October 20.

³ The report of the Secretary at War, dated June 16, is in the *Papers of the Continental Congress*, No. 149, III, folio 49. According to the indorsement and to the record in Committee Book No. 186, it was referred, on June 17, with other similar matters, to Mr. [Thomas] Mifflin, Mr. [John Francis] Mercer and Mr. [Alexander] Hamilton. On July 16 the committee was renewed, Mr. [James] McHenry and Mr. [Richard] Peters replacing Mifflin and Mercer; and on July 30, Mr. [James] Duane took Hamilton's place.

On motion of Mr. ~~Bland~~ [Daniel] Carroll, seconded by Mr. [James] McHenry,

Resolved, That General Washington have access to the secret papers of Congress, under the same injunctions as members.

On the report of the agent of marine, to whom was referred a memorial from John Jordan, James McKinsey and Joseph Brussel, Congress came to the following resolution, by the vote of nine states:

The Agent of Marine to whom was referred the memorial of John Jordan, James McKenzie and Joseph Brussel begs leave to report,

That on the twenty fifth of June 1782 the said parties presented a Petition to Congress on the same Subject which was referred to the Superintendant of Finance as Agent of Marine to report, of which Petition a Copy is annexed: And that in Consequence of the said Reference a Report was made thereon whereof a Copy is also annexed.

MARINE OFFICE 5th July 1783.

The Superintendent of Finance to whom was referred as Agent of Marine the Petition of John Jordan, James McKinsey and Joseph Brussel dated the 25th June and read in Congress the 9th July, 1782, begs Leave to Report,

That from examining the Papers in the Marine Office he finds that the Petitioners had signed the Continental Shipping Articles and were on Board the *Bon Homme Richard* commanded by Captain John Paul Jones on the 23^d Day of September, 1779, when that Ship engaged and took the British Ship *Serapis*, in which engagement the said Petitioners lost their Limbs as set forth in their Petition.

That the said Petitioners were all entered as ordinary Seamen in the service of the United States.

That the Resolution of Congress of the 26th day of August, 1776, giving Half Pay for Life to such Persons as might be disabled in the sea service cannot be applied to the said Petitioners as they were Entered by Captain Jones in Europe and had not before that time been Subjects of any of the United States.

That equal Justice is due to all Persons who may enter into the Service of the United States, therefore the following Resolution is submitted to the Consideration of Congress:

Whereas John Jordan, James McKinsey and Joseph Brussel, ordinary seamen belonging to the navy of the United States, have lost their limbs in action, on board the ship *Bonne Homme Richard*, commanded by Captain John Paul Jones, on the 23 day of September, 1779, [fighting under the American flag,]

Resolved, That the said John Jordan, James McKinsey and Joseph Brussel, be allowed ~~a pension of~~ [for their support], forty dollars per annum each, to be paid quarterly, and to commence from the time [their petition was presented to Congress] their pay ceased in the navy, [until the further order of Congress].¹

The Committee [Mr. Ezra L'Hommedieu, Mr. James McHenry and Mr. Samuel Huntington] to whom was referred the petition of Colo. Richard Varick, praying that the Depreciation of his pay may be made good, and for the pay for which he is entitled by the Act of Congress of the 12th of January, 1780, Report that as Colo. Varick was discharged by a Resolution of Congress of the above date at which time he acted as Depy. Muster Master General, his claim for Depreciation cannot be allowed consistent with the Rules established by Congress in similar Cases.

That there is a Ballance now due to Colo. Varick on account of a Gratuity, equal to Twelve months of his pay as deputy Muster Master General, which he is entitled to receive by the said Act of the 12th of January. Wherefore, your Committee propose the following Resolution:

Resolved, That it be recommended to the Executive of the State of New York to pay Colo. Varick the arrears of ~~a nominal sum equal to~~ Twelve months of his pay as Deputy Muster Master General, which may be found due to him, & to which he is entitled by the Resolution of Congress of the 12th of January, 1782.²

¹ These two reports and the copy of the memorial of June 25, 1782, are in the *Papers of the Continental Congress*, No. 137, II, folios 597-599. The words in brackets were written on Morris's report by Elias Boudinot. According to the indorsement, and to the entry in Committee Book No. 191, the report was delivered and read July 8. See *ante* May 16 and June 13, 1783.

² This report, in the writing of Ezra L'Hommedieu, is in the *Papers of the Continental Congress*, No. 19, VI, folio 113. According to the indorsement, it was delivered September 15, read and entered, See *post* September 29, *note*, and October 30.

The committee [Mr. Ezra L'Hommedieu, Mr. James McHenry and Mr. Samuel Huntington] to whom was referred the petition of Col. Jonathan Trumbull praying that depreciation of his pay as deputy paymaster general in the Northern Department may be allowed in the settlement of his account,

Report, That as Col. Trumbull retired from that service the 29th of July, 1778, his claim cannot be admitted consistent with the rule established by Congress in similar cases.¹

Whereas it is provided by the ninth of the Articles of Confederation and perpetual union between these states that "the United States in Congress Assembled shall never engage in a war nor grant letters of Marque and Reprisal in time of peace nor enter into any treaties or alliances nor coin money, nor regulate the value thereof nor ascertain the sums and expences necessary for the defence and welfare of the United States nor any of them nor emit bills, nor borrow money on the credit of the United States, nor appropriate money nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised nor appoint a Commander in Chief of the army or navy unless nine states assent to the same." And whereas it is further provided by the eleventh of the Articles of Confederation that "Canada acceding to this confederation and joining in the measures of the United States shall be admitted into and entitled to all the advantages of this union but no other colony shall be admitted into the same unless such admission be agreed to by nine states." No provision however is made for the number of states that shall be required to agree in determining the above questions when the number of the states in the union shall exceed thirteen. And whereas the determination of those interesting questions by nine states after the original number had been increased would be a manifest departure from the spirit of the Confederation and might prove dangerous to the Union, therefore,

Resolved, That the following addition to the Articles of Confederation and perpetual union between these states be and the same is hereby agreed to in Congress, and the several states are advised to authorise their respective Delegates to subscribe and ratify the same as part of the said instrument of union in the words following, to wit,

Whenever a fourteenth State shall be admitted into the present union the vote and assent of ten states shall become necessary in determining all those questions in the Congress of the United States

¹ This report, in the writing of Ezra L'Hommedieu, is in the *Papers of the Continental Congress*, No. 19, VI, folio 91. The indorsement states that it was read on this day.

which are now determined by no less than nine states. Whenever a fifteenth state is admitted the assent of eleven states shall become necessary; whenever a sixteenth State is admitted the assent of twelve states shall become necessary and thus onward, in such manner that the assent of at least three fourths of all the states in the union, shall ever be necessary in determining those questions in the Congress of the United States, which may not be determined at present by less than nine states.¹

TUESDAY, SEPTEMBER 16, 1783

Congress took into consideration the report of a committee, consisting of Mr. S[amuel] Huntington, Mr. [Elbridge] Gerry and Mr. [Abiel] Foster, to whom was referred a report on a letter of the 11 July last, from the legislature of Massachusetts,

The Committee consisting of Mr S[amuel] Huntington, Mr [Elbridge] Gerry and Mr [Abiel] Foster, to whom was referred the report of a Committee on a letter from the Legislature of Massachusetts, dated the 11th of July last submit the following report.

Whereas the Citizens of these United States in establishing their liberties, have for a series of years made great sacrifices of their property; and whereas on a return of the blessings of peace, and the diminution of the prices of articles of subsistence, it is become the duty of Congress to reduce every unnecessary expence, as well to support the public credit, as to relieve their Constituents from a pressure of taxes, which however burthensome has been unavoidable;

Resolved, That after the first Monday in November next the establishments and salaries of all officers in the Marine Department, excepting the Agent of Marine; in the War Department, excepting the Secretary at War; and in the Department for Foreign Affairs,

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 24, folio 137. The indorsement states that it is the report of Mr. [Hugh] Williamson, Mr. [Samuel] Huntington and Mr. [Stephen] Higginson, "to whom was referred a motion of Mr. W[illiamson] for an additional Article of Confederation." It was delivered on this day, entered and read.

On this day, according to the indorsement, a memorial of Lieutenant Edward Phelon, asking promotion to the rank of captain, and means to return to his family in Halifax, Nova Scotia, was read and referred to Mr. [James] McHenry, Mr. [Benjamin] Hawkins, and Mr. [James] Madison. It is in No. 41, V111, folios 176-178. According to the indorsement, and to entries in Committee Books No. 186 and No. 191, a report was delivered September 17 and acted upon September 30; and further action was taken September 1, 1785.

excepting the Secretary of that Department, shall terminate and cease.

And, That after the said day of next dollars per annum shall be allowed to the Agent of Marine for managing the business of that Department, and for payment of the Clerks and contingent expences of the Office; he shall appoint and remove at pleasure all persons employed under him, and be responsible for their conduct in Office.

Resolved, That from and after the first day of December next three thousand dollars per annum shall be allowed to the Secretary at War for managing the business of that Department, and for payment of the necessary Assistants or Clerks, and contingent expences of the office; he shall appoint and remove at pleasure all persons employed under him, and be responsible for their conduct in Office; ~~he shall also keep one assistant or clerk constantly in the office, to attend to the business thereof~~ [he shall also keep a public office in the place where Congress shall sit which shall be constantly attended by an assistant or clerk for the despatch of the business thereof]. He shall visit at least once a year, all the magazines and deposits of public stores and report the state of them with proper arrangements to Congress, and shall settle the accounts of the Department, and attend on Congress when required.

Resolved, That dollars per annum shall hereafter be allowed to the Secretary for Foreign Affairs for managing the business of that Department and for payment of the Clerks and Contingent expences of the Office; he shall appoint and remove at pleasure, all persons employed under him, and be responsible for their conduct in office; provided that the Clerks in each of the said Departments shall be reported to and removed at the pleasure of Congress.¹

¹ This report, in the writing of Elbridge Gerry, except the part in brackets, which is in that of James Duane, is in the *Papers of the Continental Congress*, No. 36, II, folio 185. It is indorsed: "first part of report of committee on letter 11 July from Legislature of Massachusetts, 17 Sept, 1783, referred to Mr. [James] Duane, Mr. S[amuel] Huntington, Mr. [Hugh] Williamson, Mr. [Elbridge] Gerry, Mr. [Abraham] Clark." According to the record in Committee Book No. 186, a motion of Mr. Stephen Higginson, September 17, was at the same time referred to this committee, who were directed also to consider what reductions might be made in the civil list, and to report specially on each department. A report in part was delivered September 27; and on December 18 the committee was renewed, and Mr. [James] Tilton, Mr. [Thomas] Jefferson and Mr. [James] McHenry were appointed, in place of Duane, Huntington and Clark. This committee reported March 5, 1784. See *post*, September 25, 1783.

and the first part being amended so as to read,

That after the first Monday in November next, the establishment and salaries of all officers in the marine department, excepting the agent of marine, shall terminate and cease; and that from and after the said first day of November next, dollars per annum, shall be allowed to the agent of marine, for managing the business of that department, and for payment of the clerks and contingent expences of the office. He shall appoint and remove at pleasure all persons employed under him, and be responsible for their conduct in office.¹

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [David] Howell, to strike out the words, "excepting the agent of marine:" And on the question, shall those words stand? the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Foster,	no	}	Mr. Boudinot,	ay	} div.
<i>Massachusetts,</i>			Condict,	no	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Holten,	ay		Mr. Carroll	no	} no
Higginson,	ay		McHenry,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} div.	Mr. Jones,	ay	} ay
Howell,	no		Madison,	ay	
<i>Connecticut,</i>			Bland,	no	
Mr. S. Huntington,	ay	} ay	<i>North Carolina,</i>		
B. Huntington,	ay		Mr. Hawkins,	ay	} ay
<i>New York,</i>			Williamson,	ay	
Mr. Duane,	ay	} ay	<i>South Carolina,</i>		
L'Hommiedieu,	ay		Mr. Read,	ay	} ay
			Beresford,	ay	

So the question was lost, and the words were struck out.

¹ This paragraph, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, II, folio 189. The amount for the agent of marine is filled in as eight hundred dollars. The voto is indorsed on it.

~~On motion, the blank in the second part was filled with the words eight hundred.~~

OFFICE OF FINANCE, 13th Sep^r. 1783.

SIR

Immediately on the Receipt of the Acts of Congress of the eighteenth and nineteenth of last Month, they were transmitted to the Comptroller of the Treasury, with Directions to furnish the Information required. A Copy of his Answer, of the fifth Instant, is enclosed, to which I beg Leave to add (by Way of Explanation) that Mr. Nourse the Register is absent with Leave for about three Weeks in the whole, in Order that he might Visit his Friends in Virginia.

During his Absence, an Answer to the resolution of the fifth Instant must for the same Reasons be in some Measure delayed, but every Information not dependent on the Treasury Offices, shall be given. The Enclosed Copy of my last Letter from Mr. Grand, of the twentieth Day of July last, will give every knowledge on the Subject of Bills paid by him, which I possess, and will at the same Time shew the Reasons why to this Moment no Accounts of our foreign pecuniary Transactions can be accurately rendered. It will probably surprizo you, Sir, as I confess it did me, to find that the Bills drawn before my Administration (and which he calls *my* Drafts on their Excellencies, D^r. Franklin, Mess^{rs}. Adams, Laurens, and Jay) had not been so advised of, as that *even the Amount* could be known. The List mentioned as transmitted by me, was the best which I could obtain, being extracted from the Treasury Books.

With Respect to Cloathing, No Money has been expended for the Purchase of it in Europe, by my Order; but since my Coming into Office a Part of that which was Ordered by Col^o. Laurens was procured, and also some Cloathing by M^r. Barelay, and also some Expences have doubtless accrued by the Lading, Unlading, Relading of it &c. Congress will easily see that I cannot presume or attempt to render Accounts of these Expences, until your Commissioner in Europe shall have adjusted them and transmitted to me the Copies. No Man in Congress can be more earnestly desirous than I am, to obtain a final Liquidation of these foreign Accounts, and I must take Leave to say, that if the Appointment of a Commissioner was not earlier made, it was not because I had been inattentive to that Object or had neglected to bring the Matter before Congress.

It is very painful to me, Sir, that I am obliged also to inform Congress of my utter Inability to render Account of the Goods which have arrived. The Reasons of this Inability have often been explained, both to Committees and to Members of Congress. I must therefore now again repeat, that such of the Expenditure in this as well as in other Departments which has been made by me or my Order or Authority, has been regularly stated in the Accounts rendered, and shall be transmitted again at the Return of the Register. The Cloathing which has arrived from Europe cannot be as yet accounted for, because that no Invoices have ever been received which would enable the Officers to form such Account, and this may easily be conceived when it is considered that many of them originally furnished and shipped by Order of the french Court were after the sailing of the Ships brought back again and remained long on Board, were then relanded, transported to different Places and reshipped. To shew the Confusions which have happened in this Business, I do myself the Honor to enclose the Copy of the only Information hitherto received as to the last Parcel of these goods which has arrived. An Account will be rendered of the whole, as soon as the Completion of the Sales, and the obtaining of proper Documents from abroad will permit.

But, Sir, as it is always my Desire to give the fullest Information which I can to Congress, I shall now endeavour to Answer what I have been informed was the Ground of the present Resolution Viz. the Reasons why the Detachment of Troops from the Massa^s. Line now in this State have not received Cloathing for a considerable Period of Time. If I have been misinformed, I must pray the Excuse of Congress for the Unnecessary Trouble of reading what I shall say. No Cloathing fit for Soldiers (or at least very little if any) except Linnen, arrived here before the Preliminaries of Peace. The Linnen was immediately issued. The greater Part of the Cloathing having arrived after the Peace, and it being then evident that the greater Part if not the whole of the Troops would be disbanded, no Measures were taken for making up and issuing cloaths for the army. No Application was made for the purpose by the Secretary at War, and I must take Leave here to observe, that all Details with Respect to the Cloathing are more within his Department than mine. But the Reasons why Nothing was done are evident, for Congress know that their Funds neither are nor have

been in a Condition to sustain any avoidable Expence. Wherefore it was most proper to settle the Account with the Disbanded Soldiers, and allow them the Value of the Cloathing due and to apply the Monies arising from a Sale of the materials to absorb a Part of the heavy Anticipations which were made. I must add here, that Congress have constantly been apprized of this Disposition and knew that the Sales of public Goods were among the Resources to take up my Notes &c. I must also add, that the Issue of Cloathing under such Circumstances was what I could not have answered either to Congress or to the Public, even if Application for it had been made from the proper office. But further I am to inform Congress, that so soon as I was informed of the pressing Wants of the Detachment in Question, I desired the Commanding Officer by whom they were communicated, to have the proper Official Application made to me thro the War Office, and as soon as that was received I enabled the Cloathier to comply with the Demand on him. Sooner I could not do it, and if any Evil was sustained in the mean Time, it will be doubtless attributed by the Candor of Congress to those particular Circumstances of Duty which have called the Attention of the Secretary at War to other Objects.

Having thus gone as far into these Details as my Situation will admit, your Excellency must pardon my Mention of another Subject connected with it. The Comptroller has lately lamented to me that the frequent Applications from Congress, from their Committees and from individual Members, for Extracts from the public Books not only employ a great Portion of Time in the Offices, but prevent bringing up the Books in the proper Manner, because that while they are subject to a Clerk making Extracts the Entries cannot be made, Owing to which (as he says) they are now some Months behind. As there is no man, either in Congress or out of it, who can suppose that I have the least Desire to withhold Information, I feel myself perfectly at Ease in laying this Matter before Congress, and indeed it is but common Justice to those Officers whom they have appointed at the Treasury, and who may hereafter incur Displeasure for not performing the Business committed to them. At the same Time I must observe that altho' there does undoubtedly arise an evil from such frequent Applications, I conceive that any Remedy by a resolution of Congress would be extremely dangerous because any Thing that can bear the Appearance of foreclosing Enquiry must have pernicious Effects and it is for that Reason that I never have mentioned nor ever will

complain of the Labor which such Enquiries impose immediately on myself. But I would beg Leave to submit it to the Discretion of the Members of Congress so to regulate their Applications for Information as that the Public Service may meet no farther Interruption than consists with that Vigilant Attention to the public Interest which the Duties of their high Trust require.¹

WEDNESDAY, SEPTEMBER 17, 1783

On motion of Mr. [James] Duane, seconded by Mr. [Elbridge] Gerry,

Whereas it is the duty of Congress at all times, but more especially when their constituents are exposed to heavy taxes, and the finances greatly embarrassed, to embrace every opportunity to introduce economy in the public expenditures. And whereas since a return of the blessings of peace, not only the business of many of the officers on the domestic civil list is decreased, but the charge of their subsistence is greatly moderated. And whereas by a change of system in conducting the affairs of the United States at foreign courts, great savings may be also made to the public.

Resolved, therefore, That a committee be appointed to consider what reductions may be made in the civil list, and to report specially on each department.²

Ordered, That the committee consist of five.

Ordered, That the first part of the report which was under consideration yesterday, so far as respects the civil list, be referred to the said committee.

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folios 61-68, and enclosures on folios 69-84. According to the indorsement on folio 84, and the entry in Committee Book No. 191, it was in answer to orders of 18 and 19 August and 5 September, was read September 16, and filed. See *post* October 22.

² This motion, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 36, II, folio 243. The indorsement on the motion shows that it was referred to Mr. [James] Duane, Mr. S[amuel] Huntington, Mr. [Hugh] Williamson, Mr. [Elbridge] Gerry and Mr. [Abraham] Clark. According to an indorsement on folio 235, and the record in Committee Books 186 and 191, this committee reported in part September 27 and on December 18 Duane, Huntington and Clark went off the committee and Mr. [James] Tilton, Mr. [Thomas] Jefferson and Mr. [James] McHenry were added. The report of September 27 was recommitted March 4, 1784, and the new committee rendered a report March 5, 1784.

Congress then resumed the consideration of the report of the committee, to whom was referred the report on a letter of 11 July, from the legislature of Massachusetts, which is in the following words:

Whereas the legislatures, as well as the citizens of several states, are opposed to the allowance of half pay to officers of the army, and also to the commutation made by an act of Congress of 22 March last; and it is the request of the delegates of such states, that the legislatures thereof may have an opportunity of effecting a compromise with the officers of their respective lines, and of enabling them to retain the affection and esteem of their fellow-citizens.

Resolved, That the Secretary at War be directed to transmit to the legislatures of the states of ~~New Hampshire~~ Massachusetts, Rhode Island and Providence Plantations and ~~Connecticut~~, and of such other states as may apply for the same, a list of the officers belonging to such states respectively, to whom half pay or the commutation has been promised by Congress, and of the sums to those officers severally due, specifying particularly the arrearages of their pay, cloathing and rations, to the first of January last, and the amount of the commutation; in order that the said ~~States~~ legislatures, if they shall deem it expedient, may reward the services of the said officers, in a way that shall be mutually agreeable to them.

That the public securities which have been or may be issued to the said officers, for their arrearages or commutation, and which in consequence of a compromise ~~shall~~ may by them be assigned to their respective states, shall be received by the Superintendant of finance, from such states, in payment of requisitions of Congress ~~not appropriated to the payment of the interest of the public debt~~: provided that such officers as may not accept the proposals of their respective states, for rewarding their services aforesaid, shall be

nevertheless entitled to the commutation, and every other emolument granted them by acts of Congress.¹

A motion was made by Mr. [William] Ellery, seconded by Mr. [Silas] Condict, to strike out the words, "provided that such officers," &c. to the end: And on the question, shall those words stand? the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	}	Mr. Fitzsimmons,	ay	}
<i>Massachusetts,</i>			Montgomery,	ay	
Mr. Gerry,	ay	}	<i>Maryland,</i>		
Holten,	ay		Mr. Carroll,	ay	}
Higginson,	ay		McHenry,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	}	Mr. Jones,	ay	}
Howell,	no		Madison,	ay	
<i>Connecticut,</i>			Bland,	ay	
Mr. S. Huntington,	ay	}	<i>North Carolina,</i>		
B. Huntington,	ay		Mr. Hawkins,	ay	}
<i>New York,</i>			Williamson,	ay	
Mr. Duane,	ay	}	<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Read,	ay	}
<i>New Jersey,</i>			Beresford,	ay	
Mr. Boudinot,	ay	}			
Clark,	no				
Condict,	no				

~~So the question was lost and the words were struck out,~~ it was resolved in the affirmative.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [Samuel] Holten, after the words "in payment of requisitions of Congress," to add "not appropriated to the payment of the interest of the public debt." And on the question to agree to this amendment, the yeas and nays being required by Mr. [Elbridge] Gerry,

¹ This second part of the report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 20, I, folio 161. According to the indorsement, it was delivered September 8, read, and "Friday next assigned for the consideration of this."

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} *	Mr. Fitzsimmons,	no	} no
<i>Massachusetts,</i>			Montgomery,	no	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Holten,	ay		Mr. Carroll,	no	} no
Higginson,	ay		McHenry,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	} div.	Mr. Jones,	no	} no
Howell,	ay		Madison,	no	
<i>Connecticut,</i>			Bland,	no	
Mr. S. Huntington,	ay	} ay	<i>North Carolina,</i>		
B. Huntington,	ay		Mr. Hawkins,	no	} no
<i>New York,</i>			Williamson,	no	
Mr. Duane,	no	} div.	<i>South Carolina,</i>		
L'Homedieu,	ay		Mr. Read,	no	} div.
<i>New Jersey,</i>			Boresford,	ay	
Mr. Boudinot,	ay	} ay			
Condict,	ay				

So the question was lost.¹

[Motion of Mr. Stephen Higginson, September 17, 1783.]

That after the first day of November next the office of Receiver of Taxes in the several states shall cease and determine, and the business of that office be assigned to the loan officers in such states respectively, with a salary of five hundred dollars each per annum, and the Superintendent of Finance is hereby directed to give the necessary directions forthwith for carrying this resolution into effect.²

¹ The vote was entered in the Journal by Henry Remsen, Jun.

² This motion, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 36, II, folio 241. It was referred, the indorsement states, to Mr. [James] Duane, Mr. S[amuel] Huntington, Mr. [Hugh] Williamson, Mr. [Elbridge] Gerry and Mr. [Abraham] Clark. See *ante*, September 16, *note*.

On this day, as the indorsement indicates, a memorial of William Jackson, for compensation for his services in Europe as secretary to J. Laurens, dated Princeton, September 16, was read and referred to Mr. [Theodorick] Bland, Mr. B[enjamin] Huntington and Mr. [David] Howell. It is in No. 41, IV, folio 445. According to the entry in Committee Book No. 191, a report was delivered September 29, and acted upon, October 18.

THURSDAY, SEPTEMBER 18, 1783

Congress resumed the consideration of the report which was under debate yesterday, and a motion was made by Mr. [Theodorick] Bland, seconded by Mr. [Benjamin] Hawkins, to strike out the words, "the legislatures as well as the citizens of several states," and to insert in lieu thereof, "it appears from the letter of 11 July, 1783, from the legislature of the State of Massachusetts, that the legislature of that State": And on the question to agree to that amendment, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} *	Mr. Fitzsimmons,	ay	} div.
<i>Massachusetts,</i>			Montgomery,	no	
Mr. Gerry,	no	} no	<i>Maryland,</i>		
Holten,	no		Mr. McHenry,	ay	} *
Higginson,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Jones,	ay	} ay
Mr. Ellery,	no	} no	Madison,	ay	
Howell,	no		Bland,	ay	
<i>Connecticut,</i>			Lee,	no	
Mr. S. Huntington,	no	} no	Mercer,	ay	
B. Huntington,	no		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Hawkins,	ay	} ay
Mr. Duane,	no	} no	Williamson,	ay	
L'Hommedieu,	no		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Read,	ay	} ay
Mr. Boudinot,	no	} no	Beresford,	ay	
Clark,	no				
Condict,	no				

So the question was lost.

A division of the question was called for; and on the question to agree to the report, (including the preamble) as far as the word "provided," the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} *	Mr. Fitzsimmons,	no	} no
<i>Massachusetts,</i>			Montgomery,	no	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Holten,	ay		Mr. McHenry,	no	} *
Higginson,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Jones,	no	} no
Mr. Ellery,	ay	} ay	Madison,	no	
Howell,	ay		Bland,	no	
<i>Connecticut,</i>			Lee,	ay	
Mr. S. Huntington,	ay	} ay	Mercer,	no	
B. Huntington,	ay		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Hawkins,	no	} no
Mr. Duane,	no	} no	Williamson,	no	
L'Hommedieu,	no		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Read,	no	} no
Mr. Boudinot,	no	} ay	Beresford,	no	
Clark,	ay				
Condict,	ay				

So the question was lost.

A question being taken on the latter part, passed in the negative.

Congress then resumed the consideration of the report of the committee, consisting of Mr. [James] Duane, Mr. A[rthur] Lee, and Mr. S[amuel] Huntington, to whom was referred a letter of 11 July last, from the legislature of Massachusetts, which is in the words following:

That the subjects of complaint in the said letter are the grant of half-pay for life to the officers of the army; the commutation granted to the said officers of five years' whole pay, in lieu of the said half-pay; and the salaries allowed to the civil officers of Congress.

The half-pay, your committee observe, was granted at a critical period of the war, when our finances were embarrassed, our credit impaired, our army distressed, the officers discontented, and resignations so general, as to threaten the dissolution of a corps on whose military experience the public safety, in the judgment of the Commander in Chief, greatly depended.

The first grant was limited to seven years, but not being deemed satisfactory to the army, the evil of resignations continued to prevail to so alarming a degree, as to require a more effectual remedy; and the grant of half-pay to the officers was extended for life. Your committee are persuaded that no doubt can be entertained, but that Congress were of opinion, that this provision was alone competent, if it was not the only one at that time in their power, to establish a military force capable of opposing the dangers with which the United States were then surrounded. That although it is to be regretted that any measure has been adopted by Congress, which has given uneasiness to the legislature or the citizens of the Massachusetts; yet experience has shewn how essentially that provision in question has contributed to the stability of the army, to its perfection in discipline, to the vigor and decision of its operations, and to those brilliant successes which have hastened the blessings of a safe and honorable peace.

Your committee beg leave further to observe, that from an earnest desire to give satisfaction to such of the states as expressed a dislike to the half-pay establishment, a sum in gross was proposed by Congress and accepted by the officers as an equivalent for their half pay. That your committee are informed, that such equivalent was ascertained on established principles which are acknowledged to be just, and adopted in similar cases: but that if the objections against the commutation were ever so valid, yet as it is not now under the arbitration of Congress, but an act constitutionally and finally adopted, and the national faith pledged to carry it into effect, they could not be taken into consideration.

With regard to the salaries of civil officers it may be observed, that the necessities of life have been very high during the war, ~~and particularly so where the publick Business has been principally transacted~~: hence it has happened that even the salaries complained of have not been found sufficient to induce persons properly qualified to accept

of many important offices, and the public business is left undone.

Your committee are nevertheless of opinion, that since the cessation of hostilities, ~~and the reduction of the price of most of the necessaries of life~~ the expence of living is moderated, and that a considerable reduction may be made in the civil list.

Your Committee therefore submit the following resolution:

Resolved, That a Committee be appointed to consider and report the reductions of salary which ought to be made on the Civil List.¹

A motion was made by Mr. [James] McHenry, seconded by Mr. [John Francis] Mercer, to commit the report: and on the question for committing, the yeas and nays being required by Mr. [Samuel] Holten,

New Hampshire,

Mr. Foster, no } *

Massachusetts,

Mr. Gerry, no }
Holten, no } no
Higginson, ay }

Rhode Island,

Mr. Ellery, ay }
Howell, no } div.

Connecticut,

Mr. S. Huntington, ay }
B. Huntington, ay } ay

New York,

Mr. Duane, ay }
L'Hommedieu, ay } ay

New Jersey,

Mr. Boudinot, ay }
Clark, ay } ay
Condict, no }

Pennsylvania,

Mr. Fitzsimmons, ay }
Montgomery, ay } ay

Maryland,

Mr. McHenry, ay } *

Virginia,

Mr. Jones, ay }
Madison, ay }
Bland, ay } ay
Lee, ay }
Mercer, ay }

North Carolina,

Mr. Hawkins, ay }
Williamson, ay } ay

South Carolina,

Mr. Read, ay }
Beresford, ay } ay

¹ This report in the writing of James Duane is in the *Papers of the Continental Congress*, No. 20, I, folios 149 and 159. According to the indorsement, it was delivered September 2, and committed, on the same day, to Mr. S[amuel] Huntington. Mr. [Elbridge] Gerry and Mr. [Abiel] Foster. They delivered a report, September 8, which was considered September 16 and 17. The report of September 2 was again taken up, September 18, and, according to the indorsement, and the record in Committee Book, No. 186, was referred to Mr. [James] Madison, Mr. [John Francis] Mercer and Mr. [James] Duane, who reported on September 19. See *post*, September 25.

So it was resolved in the affirmative.

The committee of the week [Mr. John Montgomery, Mr. Abraham Clark and Mr. Samuel Holten] report that the within letter [from Peter W. Yates, dated Albany September 7, 1783, asking an exemplified copy of the articles of ratification] be read in Congress.¹

FRIDAY, SEPTEMBER 19, 1783

The committee, consisting of Mr. [James] Madison, Mr. [John Francis] Mercer and Mr. [James] Duane, to whom was referred the report of the committee, on the letter of the 11 July, from the legislature of Massachusetts, brought in a report, which was taken into consideration, and the following paragraph being under debate: "And resignations so general as to threaten the dissolution of a corps, on whose military experience the public safety, in the judgment of the Commander in Chief, greatly depended;" a motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to strike out the words, "in the judgment of the Commander in Chief." And on the question, shall those words stand, the yeas and nays being required by Mr. [James] McHenry,

¹ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 59, III, folio 69. Yates's letter is on folio 67.

The memorial of a number of merchants of Boston and the neighboring seaports, dated Boston, August 18, 1783, probably was presented about this time, but the indorsement fails to show what was done with it. It is in No. 41, I, folios 381-6.

The memorial of Nathan Goodale, dated Princeton, September 17, was this day referred to the Secretary at War, as the indorsement indicates. It is in No. 41, III, folio 501.

The memorial of Mark Bird, dated Delaware Mills, September 15, relative to his accounts as D. Q. M. G. and the balance due; and asking that the chain, which was prepared to throw across Hudson River, be delivered to him, was on this day referred to Mr. [Abraham] Clark, Mr. [Thomas] FitzSimons and Mr. [Benjamin] Hawkins. It is in No. 59, III, folio 215.

On this day, as the indorsement states, was read a letter of September 18 from General Washington, acknowledging receipt of resolve of Congress, giving him access to the secret papers of Congress. It is in No. 152, XI, folio 483.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	}	Mr. Fitzsimmons,	ay	} ay
<i>Massachusetts,</i>			Montgomery,	ay	
Mr. Gerry,	ay	}	<i>Maryland,</i>		
Holten,	ay		Mr. Carroll,	ay	} ay
Higginson,	ay		McHenry,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	}	Mr. Jones,	ay	} ay
Howell,	no		Madison,	ay	
<i>Connecticut,</i>			Bland,	ay	
Mr. S. Huntington,	ay	}	Lee,	ay	
B. Huntington,	ay		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	ay	}	Mr. Hawkins,	ay	} ay
L'Homedieu,	ay		Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	}	Mr. Read,	ay	} *
Condict,	no				

So it was resolved in the affirmative.

On the consideration of the paragraph in which is the following sentence: "But if the objections against the commutation were ever so great, yet as it is not now under the arbitration of Congress, but an act constitutionally and finally adopted;" a motion was made by Mr. [David] Howell, seconded by Mr. [Silas] Condict, to strike out the words, "constitutionally and;" and on the question, shall those words stand, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Foster,	no	}	Mr. Duane,	ay	} ay
<i>Massachusetts,</i>			L'Homedieu,	ay	
Mr. Gerry,	no	}	<i>New Jersey,</i>		
Holten,	no		Mr. Boudinot,	ay	} div.
Higginson,	no		Condict,	no	
<i>Rhode Island,</i>			<i>Pennsylvania,</i>		
Mr. Ellery,	ay	}	Mr. Fitzsimmons,	ay	} ay
Howell,	no		Montgomery,	ay	
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. S. Huntington,	no	}	Mr. Carroll,	ay	} ay
B. Huntington,	ay		McHenry,	ay	

<i>Virginia,</i>			<i>North Carolina,</i>		
Mr. Jones,	ay	} ay	Mr. Hawkins,	ay	} ay
Madison,	ay		Williamson,	ay	
Bland,	ay		<i>South Carolina,</i>		
Mercer,	ay		Mr. Read,	ay	* }

So the question was lost, and the words were struck out.¹

The Committee consisting of Mr [James] Duane [Mr. John Rutledge, Mr. Thomas FitzSimons, Mr. Elbridge Gerry and Mr. Stephen Higginson] appointed to consider the dispatches from the ministers of the United States at Foreign Courts, and to report what measures are necessary to be taken thereupon, submit the following report:

That Mr Adams's letter of the 27th of June 1783 respects a Commercial Treaty with Great Britain, and the propriety of appointing a minister for these United States at that Court.

That his other letter of the same date states his idea of the policy of adopting the provisional Treaty for the definitive Treaty in case no new arrangements can be obtained to the advantage of the United States.

That his letter of the 3rd of July respects the Commerce of the United States with the West India Islands

That his letter of the 7th of July is on the subject of the armed neutrality.

His letter of the 12th of July relates to a commercial Treaty with Portugal, and the propriety of sending a Minister to that Court.

His letter of the 13th mentions Mr Dana's negotiations with Russia and the prospect of concluding a commercial Treaty with that Court, when the Definitive Treaty with Great Britain shall be signed.

In another letter of the same day he mentions the treaty in contemplation with the Emperor of Germany.

That Mr Adams's letters of the 14th and 18th of July point out the restraints on our commerce to the British and French West India Islands, and give his opinion of the views and policy of those Courts with respect to that Commerce, and the means by which they may be counteracted viz. by Treaties with other Commercial Powers, and by a good fœderal Government, &c.

That Mr Jay's letter of June 1. expresses his desire that Mr Carmichael may be directed to repair to Paris with the necessary papers to settle the publick accounts of the monies received in Spain with Mr Barclay, &c.

¹ From this point the entries in the Journal are by George Bond.

In his letter of the 20th of July, he asks for leave to go to Bath for his health, and gives his opinion respecting American Consuls.

All the Ministers at Versailles in their Joint letter of the 18th of July give their opinion of the force of the provisional Treaty.

Dr Franklin in his letter of the 22nd July refers to the following subjects: Prizes taken by the *Alliance* and sent into Denmark. Treaties with several Powers in Europe, making them in the first instance by the ministers subject to the revisal and alteration of Congress. Giving him leave to return home after the Definitive Treaty. Future Loans. Mr Wren who has shewn great humanity to our prisoners in England. The Treaty with Denmark.¹

In Congress 18th September 1783.

Mr [James] Duane	} appointed a Committee to receive Communications from the Honorable the Minister Plenipotentiary of France agreeably to his request.
Mr [Thomas] Fitzsimmons	
Mr [Elbridge] Gerry	
Mr S[amuel] Huntington	
Mr [William] Ellery	

The Committee consisting as above, appointed to receive Communications from the honorable the Minister Plenipotentiary of France agreeably to his request, Report that your Committee having appointed the Congress Chamber at 6 o'clock to receive the communications of the said Minister, they were accordingly attended by him. That the substance of the said communications is as follows:

That he is informed by his Court, 21 July, 1783, Count de Vergennes dispatches to Chev^r. de la Luzerne Minister of France, that it is difficult to determine when a definitive Treaty will be concluded. That France agrees perfectly with England, on every point respecting their Treaty. That the same may be said of Spain. But that that Power as well as France, attached to the true principles by which negotiations of such importance ought to be regulated, will not sign but in Concert. That Holland had not yet settled her arrangements, but

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 25, II, folio 257. According to the indorsement, it was delivered on this day, read and entered. The following letters from the Ministers at Foreign Courts are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) VI: Adams's two letters of June 27, 1783, on pages 504 and 506; his letter of July 3, on page 510; that of July 7, on page 517; July 12, on page 537; the letter of July 13, relative to treaty with Germany, on page 538; two letters of July 14 and one of July 18, on pages 540, 543, and 560. Jay's letter of June 1 is on page 464, and that of July 20 on page 576. The joint letter of Adams, Franklin, and Jay, July 18, is on page 566; and Franklin's letter of July 22, on page 580. See *post* September 25 and September 29.

it will be soon done; they have also determined not to sign but in Concert. That therefore the negotiations are retarded by nothing but the American Treaty which seems to be in a state of languor, occasioned as the Court has reason to think, by the English Plenipotentiary. That it seems that the Americans by admitting too precipitately English vessels in their ports have deprived themselves of a powerful weapon to induce England to a conclusion of the Treaty. By a continuation of the former prohibitory Laws until the final settlement of peace it is probable that they would have furnished the most pungent arms to the party who sincerely wishes that the treaty with America might be concluded. However, the Court is disposed to believe, that it will not be much delayed. That Congress may be assured that the Definitive Treaty will not be signed but in conjunction with America. That the American Plenipo. had asked the advice of Count de Vergennes, respecting the mediation of the two Imperial Courts. That he had observed to them that these Courts having never offered their mediation to Congress, they were ~~equally entitled~~ at liberty either to claim or to decline it. That he did not know then which part they would take. In his opinion the easiest would be for them to negotiate without the interference of any foreign Power. That the Court had in view the Commerce of the United States, and had ordered a diminution of the duty on the Salt and that the same regulation would take place with respect to Brandy. That his Majesty had declared L'Orient a Free Port, because it is the Port which the Americans have preferred to any other.

The above is the substance of the Communications made to the Committee the 18th September, 1783.

JAMES DUANE, *Ch.*¹

[Motion of Mr. Elbridge Gerry and Mr. Theodorick Bland Sept. 19, 1783.]

It appearing by the copy of a letter from the Count de Vergennes to the Chevalier La Luzerne of the 10th of March last, communicated

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 25, II, folio 295. The indorsement states that it was delivered on this day and read, and referred to Mr. S[amuel] Huntington, Mr. [James] Duane and Mr. [James] Madison. According to the indorsement, and the record in Committee Books No. 186 and No. 191, a letter of September 15, from the Superintendent of Finance, with enclosures relating to a new loan and to the account of the Farmers General, was read this day, and referred to the same committee. It is in No. 137, III, folio 99. Reports were delivered September 27 and October 7, and acted upon October 2 and November 1.

by the Chevalier to Congress, that "M^r Franklin on his part in obedience to the order of Congress, implored the assistance of the King their Ally and Father,"

Resolved, That the Minister of the United States at the Court of France be informed, that it is not only the wish but the determination of Congress to do every honor in their power to his Most Christian Majesty their great and good ally, but at the same time they disapprove of the use of any terms or measures that hold up the idea of their dependance on any foreign power as their Father, it being inconsistent with the dignity of the United States.¹

The Superintendent of Finance to whom was referred a letter from him of the twenty-seventh of August 1783, to Mr. Bland, and Mr. Bland's motion of the eighth of September 1783 together with M^r H. Armistead's bond and certificate respecting bills of exchange lost with order to report a general regulation for the relief of persons in a similar situation with M^r Armistead, begs leave to report, the following resolution:

That all claims against the United States for bills of exchange lost or destroyed be adjusted at the Treasury in the usual manner, and that upon receipt of the proper certificate from the Comptroller the ~~Superintendent of Finance~~ Board of Treasury take order to pay the amount to the party to whom the same shall appear to be due.

OFFICE OF FINANCE 13th Septem. 1783.²

¹ This motion, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, II, folio 239. It was presented this day, as the indorsement indicates.

² This report is in the *Papers of the Continental Congress*, No. 137, III, folio 85. The indorsement indicates that it was delivered on this day, read and entered; and on September 19, 1786, filed.

Also, a memorial of James Taylor for himself and others, owners of the ship *Aurora*. It is in No. 137, III, folio 419, and was referred to Mr. [Abraham] Clark, Mr. [Thomas] FitzSimons and Mr. [Hugh] Williamson and the Committee instructed "to examine whether any provision now exists for settling the accounts of the secret and commercial committees and in case no such provision be found to exist to report a proper one." According to Committee Book, No. 186, the committee was renewed December 18, the memorial being referred on that date to Mr. [Hugh] Williamson, Mr. [Cadwalader] Morris and Mr. [David] Howell, together with a letter of September 20 from the Superintendent of Finance. On January 21, 1784, this committee was discharged, and the Taylor memorial and other papers referred to Mr. [David] Howell, Mr. [Jeremiah Townley] Chase and Mr. [Arthur] Lee.

Also, a letter of September 19 from General Washington, respecting the officers of General Du Portail's corps; the clothing of the troops at West Point; and the case of the furloughed troops; and enclosing copies of letters from Du Portail and Knox. It is in No. 152, XI, folio 487. It was referred to Mr. S[amuel] Huntington, Mr. [Elbridge] Gerry and Mr. [James] Duane.

SATURDAY, SEPTEMBER 20, 1783

Congress took into consideration the report of a committee, consisting of Mr. [James] Duane, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Benjamin] Hawkins and Mr. A[rthur] Lee, to whom were referred instructions to the delegates of Pennsylvania, and the same being read as follows:

“That the legislature of Pennsylvania be informed, in answer to the request of the delegates of that State, in consequence of instructions from the said legislature of the 13th instant, that Congress have no objection to a conference being held on behalf of the State of Pennsylvania, with the Indians on their borders, respecting a purchase to be made by and at the expence of the said State, of lands within the limits thereof; provided no engagements relative to peace or war with the said Indians, be entered into by the said State, the power of holding treaties on this subject being vested by the Confederation solely in the United States in Congress assembled. And also provided, that due notice of such meeting be given to the ~~assemblies~~ executives of Virginia and New York, who shall have it in their option to send commissioners to the said conference.”¹

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [William] Ellery, that the farther consideration of the report be postponed until Thursday next, and on the question for postponing, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Rhode Island,</i>		
Mr. Foster,	ay	} *	Mr. Ellery,	ay	} ay
<i>Massachusetts,</i>			Howell,	ay	
Mr. Gerry,	ay	} ay	<i>Connecticut,</i>		} div.
Holten,	ay		Mr. S. Huntington,	no	
Higginson,	ay		B. Huntington,	ay	

¹ This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 20, 11, folio 161.

<i>New York,</i>			<i>Virginia,</i>		
Mr. Duane,	no	} div.	Mr. Jones,	no	} no
L'Hommedieu,	ay		Madison,	no	
<i>New Jersey,</i>			Mercer,	no	
Mr. Boudinot,	no	} no	<i>North Carolina,</i>		
Clark,	no		Mr. Hawkins,	no	} no
Condict,	ay		Williamson,	no	
<i>Pennsylvania,</i>			<i>South Carolina,</i>		
Mr. Fitzsimmons,	no	} no	Mr. Read,	no	} *
Montgomery,	no				

So the question was lost.

The report having been then amended, so as to read,

"That Congress have no objection to a conference being held on behalf of the State of Pennsylvania, with the Indians on their borders, for the sole purpose of making a purchase by and at the expence of the said State, of lands within the limits thereof; provided that due notice of such meeting be given to the executives of Virginia and New York, who shall have it in their option to send commissioners to the said conference."

A motion was made by Mr. [Stephen] Higginson, seconded by Mr. [Samuel] Holten, farther to amend the report, by adding after the word "thereof," the following words: "after terms of ~~peace~~ accommodation shall have been agreed on between the United States and those Indians." And on the question to agree to this amendment, the yeas and nays being required by Mr. [Elbridge] Gerry,¹

<i>New Hampshire,</i>			<i>Rhode Island,</i>		
Mr. Foster,	ay	} *	Mr. Ellery,	ay	} ay
<i>Massachusetts,</i>			Howell,	ay	
Mr. Gerry,	ay	} ay	<i>Connecticut,</i>		
Holten,	ay		Mr. S. Huntington,	ay	} ay
Higginson,	ay		B. Huntington,	ay	

¹Higginson's motion is in the *Papers of the Continental Congress*, No. 20, II, folio 161, written on the report which was under debate.

<i>New York,</i>			<i>Virginia,</i>		
Mr. Dnane,	ay	} ay	Mr. Jones,	no	} no
L'Hommedieu,	ay		Madison,	no	
<i>New Jersey,</i>			Mercer,	no	
Mr. Boudinot,	ay	} ay	<i>North Carolina,</i>		
Clark,	no		Mr. Hawkins,	ay	} ay
Condict,	ay		Williamson,	ay	
<i>Pennsylvania,</i>			<i>South Carolina,</i>		
Mr. Fitzsimmons,	no	} no	Mr. Read,	no	} *
Montgomery,	no				

So the question was lost.

A division of the question on the report was then called for; and on the question to agree to the report as amended, so far as the proviso, the yeas and nays being required by Mr. [Thomas] Fitzsimmons,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} *	Mr. Fitzsimmons,	ay	} ay
<i>Massachusetts,</i>			Montgomery,	ay	
Mr. Gerry,	no	} no	<i>Maryland,</i>		
Holten,	no		Mr. Carroll,	no	} *
Higginson,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Jones,	ay	} ay
Mr. Ellery,	no	} no	Madison,	ay	
Howell,	no		Mereer,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. S. Huntington,	ay	} ay	Mr. Hawkins,	ay	} ay
B. Huntington,	ay		Williamson,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Duane,	ay	} ay	Mr. Read,	ay	} *
L'Hommiedieu,	ay				
<i>New Jersey,</i>					
Mr. Boudinot,	ay	} ay			
Clark,	ay				
Condict,	ay				

So the question was lost.

A motion was then made by Mr. [James] Duane, seconded by Mr. [William] Ellery, in the words following:

Whereas the delegates of the State of Pennsylvania have laid before Congress a resolution of the legislature of Pennsylvania, in the words following.

State of Pennsylvania, in General Assembly, Friday, September 12,
1783, A. M.

The committee appointed yesterday, to whom was re-committed the report of the committee, on the subject of holding a conference with the supreme executive council, respecting the lands appropriated for the use of the Pennsylvania line, made report, which was read; and on motion and by special order, the same was read the second time, and adopted as follows, viz:

The committee to whom the report of a committee, on the subject of a conference to be held with the supreme executive council, respecting the lands appropriated for the use of the Pennsylvania line, was re-committed, with instructions to report to this house the best and most expeditious mode for removing the obstructions to the surveying of the said lands, beg leave to report,

That they have deliberately considered the important business submitted to them, with the very interesting consequences which it involves: they find that the sole obstruction to laying off the before-mentioned land, originates in the disposition of the Indians, who claim a right to the territory in question, and will not peaceably suffer it to be occupied or disposed of without receiving, according to uniform practice, since the earliest settlement of the State, a consideration for the same.

Your committee therefore are of opinion that a purchase from the original claimants is the most dignified, humane, expeditious and economical mode by which this house can enable the surveyor-general to lay off and survey the said district; and they beg leave further to observe, that although the Articles of the Confederation do not by any means explicitly restrict this house from entering on this business independent of Congress, yet being deeply impressed with the delicacy of touching any subject of federal relation, but with the most deliberate caution; and as the letter of a clause in the ninth section appears to involve a doubt, they think proper to submit the following resolution:

Resolved, That the following instructions be forwarded without delay to our delegates in Congress, with injunctions to them to procure as expeditiously as possible, and transmit to this house the sense of Congress on the subject.

Extract from the minutes,

PETER Z. LLOYD,
*Clerk of the General Assembly.*¹

¹ This resolution is in the *Papers of the Continental Congress*, No. 69, II, folio 461.

And the said delegates having also laid before Congress an instruction from the said legislature, in the words following, viz:

State of Pennsylvania, in General Assembly, September 12, 1783.

GENTLEMEN: You are hereby instructed to lay before Congress the peculiar situation of the State of Pennsylvania, which renders a conference with the Indian nations that live adjoining to our frontiers at this time necessary.

The general assembly of this Commonwealth, by their resolve of the 7th of March, A. D. 1780, promised certain donations of land to be laid off to their officers and soldiers at the end of the war; and have since that time, by a particular law, appropriated the lands belonging to this State, westward of the Ohio and Allegheny rivers, for that purpose, and for the purpose of redeeming the certificates of depreciation.

The time is now come when justice must be done to our officers and soldiers, as well respecting the said lands as their certificates of depreciation.

The custom of Pennsylvania has always been to purchase the right of possession from the Indian natives, as being more consonant to justice, and less expensive than force. This, however, cannot be done without some convention or conference with the Indians for that purpose.

Although this business may be said strictly to regard only the internal police of Pennsylvania, and the conference proposed does not extend to any description of men without the limits of the United States, nor regard any of the great objects of peace or war; yet our high respect for the Confederation determines us to lay open the whole design of the State to Congress.

Sensible likewise as we are, that the whole expence of this particular business must rest with Pennsylvania; yet perhaps the wisdom of Congress may improve this conference to the general benefit of the union.

We wish you to use all reasonable expedition in this matter; and hope the measures we are taking for the satisfaction of the Pennsylvania line will meet with the ready concurrence and approbation of the great council of the nation.

By order of the house,

FRED^k A. MUHLENBERG, *Speaker*.

The honorable the delegates of Pennsylvania.¹

¹ This instruction is in the *Papers of the Continental Congress*, No. 69, II, folio 465.

Resolved, That the legislature of Pensylvania be informed in answer to the said representation, that as soon as an agreement shall have taken place for the cessation of hostilities between the United States and the Indians engaged on the side of the British, in the prosecution of the war (for which measures are now under deliberation) Congress will cheerfully consent to the negotiation proposed by the said legislature, for the purchase of the Indian claim to lands within the limits of that State.¹

On the question to agree to the foregoing motion, the yeas and nays being required by Mr. [James] Duane,

<i>New Hampshire</i> ,			<i>Pennsylvania</i> ,		
Mr. Foster,	ay	} *	Mr. Fitzsimmons,	no	} no
<i>Massachusetts</i> ,			Montgomery,	no	
Mr. Gerry,	ay	} ay	<i>Maryland</i> ,		
Holten,	ay		Mr. Carroll,	no	} *
Higginson,	ay		<i>Virginia</i> ,		
<i>Rhode Island</i> ,			Mr. Jones,	no	} no
Mr. Ellery,	ay	} ay	Madison,	no	
Howell,	ay		Mercer,	no	
<i>Connecticut</i> ,			<i>North Carolina</i> ,		
Mr. S. Huntington,	ay	} ay	Mr. Hawkins,	ay	} div.
B. Huntington,	ay		Williamson,	no	
<i>New York</i> ,			<i>South Carolina</i> ,		
Mr. Duane,	ay	} ay	Mr. Read,	ay	} *
L'Hommedieu,	ay				
<i>New Jersey</i> ,					
Mr. Boudinot,	ay	} ay			
Clark,	ay				
Condict,	ay				

So the question was lost.

The Committee consisting of Mr [Thomas] FitzSimons Mr [Benjamin] Huntington, and Mr [Elbridge] Gerry, to whom was referred a petition of John Halsted of the 12th of September, report by a Resolve

¹ This motion, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 20, II, folio 163.

That the said petition with the papers accompanying it, be referred to the Superintendent of Finance, ~~who is directed to take order thereon without delay.~~¹

MONDAY, SEPTEMBER 22, 1783

Mr. James Tilton, a delegate for the State of Delaware, attended, and took his seat.

Congress took into consideration the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Samuel] Holten and Mr. [James] Duane, to whom was referred an application from the delegates of Rhode Island:

The report is as follows:

“That the Committee having applied to the Secretary (whose answer is herewith submitted) for such information as had formerly come before Congress on that subject, and having made such other enquiries as were in their power, beg leave to report,

“That it appears from the communications of the Delegates of Rhode Island that the Schooner *Good Fortune*, George Hardwick, master, was captured on the high seas by the Brig *Unity*, Edward Coffin, master, and the Brig *Providence*, Benjamin Bailey, master, and carried into Cape François, where she was condemned on the fourth of November last by the Lieutenant General of the Admiralty, and ordered to be sold together with her cargo, the produce to be lodged in the hands of certain merchants, there to be by them paid to those to whom it should belong.

“That on the 9th of November this decree was confirmed by the General and Intendant, an appeal being granted for reasons which are not stated to the Deputies of the United States at Paris, the sentence to be in force till they should otherwise decree. The Lieutenant General of the Admiralty having promised to address an account of his proceedings to the Deputies of the United States at Paris.

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, III, folio 9. The indorsement states that it was passed on this day. Halsted's petition is in No. 41, II, folio 142.

"Wherefore your Committee observing that no reference seems to have been made to Congress by which the circumstances of this capture and condemnation might come before them, and that it was the probable intention of the Court that the matter should be finally determined in a different manner, submit the following resolution:

"*Whereupon, Resolved*, That application be immediately made to the ministers of the United States now in France, to know whether they have received any information concerning the capture of the schooner *Good Fortune*, of which George Hardwick was master, and of her being condemned at Cape François, on the 4th day of November last; and what further steps, if any, have been taken on that subject."¹

A motion was made by Mr. [William] Ellery, seconded by Mr. [David] Howell, to postpone the farther consideration of this report in order to take up the original motion of the Delegates of Rhode Island, which is in the words following:

The Delegates for the State of Rhode Island and Providence plantations having represented to Congress that sometime in October, 1782, Edward Coffin, commanding

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 20, I, folio 235. According to the indorsement, it was delivered August 25, entered and read. The Secretary's reply is on folio 241. The first draft of the committee's report, in the writing of Hugh Williamson, is on folio 239, as follows:

The Committee to whom was referred the application from the Delegates of Rh. Is. beg leave to report that they have applied to the Secretary of Congress in order to obtain such information on the subject as was in his power. His answer is herewith communicated by which the Committee are not informed, whether any appeal has ever been lodged by Capt. Hardwick. However as it appears from the Communication made by the Delegates of Rh. Is. that the appeal was not to have been made to Congress but to their Deputies in Paris, and therefore cannot be supposed to have had a place among their transactions, and as it is proper that the question should be determined with the utmost expedition in order that the captors may recover their prize money if no appeal has been lodged or that a final decision may be immediately had if any appeal has been lodged, the Committee submit the following resolve:

That application be immediately made to the Minister of the U. S. at the Court of Versailles to know whether any complaint has come to his hands or any appeal has been made by George Hardwick late master of the Schooner *Good Fortune*, which was captured on the high seas by &c. &c. and carried into Cape François where she was condemned by a Court of Admiralty.

officer of the Brig *Unity*, and Benjamin Bailey, commanding officer of the Brig *Providence*, both of Providence in the State of Rhode Island and Providence plantations, being in consort, did capture on the high seas and carry into Cape François in Hispaniola, for trial and condemnation, the Schooner *Good Fortune*, whereof George Hardwick was captain and part owner; and that said schooner and her cargo was accordingly adjudged to be lawful prize by Jean Baptiste Esteve, Counsellor for the King and Lieutenant General of the Admiralty at the Cape on the Ordinance of his Majesty of the 27th of September, 1778, which sentence of adjudication is in the words following, viz:

“That the Schooner *Fortune* or the *Good Fortune* has been seized and stopped for being furnished with double papers, Royal and American, with a design to make use of either according as circumstances might require, and consequently the said Schooner is in this case to be declared a good prize or subject to confiscation, we judge that provisionally and until the decree of the Judges of this affair may be known respecting the affair, the said Schooner and her cargo are to be sold according to law in the ordinary form, deducting from the amount all lawful charges and expences, which is to remain in the hands of Messieurs Brassier and Chevrier, merchants in this city, who will act as depositaries, and to be by them remitted to those to whom it shall belong; further, it is our opinion and advise that there is no room or right for the claim or demand of the said George Hardwick or for his pretensions mentioned in his request, except that he shall have liberty to appear before the Judges to try the affair, and notwithstanding the right and propriety of confining of the said George Hardwick in the gaol of this city he shall be relieved therefrom, and that without prejudice to the prosecution against him before the judges aforesaid for having navigated the Schooner with double papers; further we judge that an account of the above procedure

shall be by us addressed to the Deputies of the United States residing at Paris. Resolved by us the King's Counsellor and the Lieutenant General of the Admiralty at the Cape the 4 day of November, 1782, which sentence or decree was afterwards confirmed by the sentence or decree of the Court of Admiralty at the Cape in consequence of the capture of the English Schooner the *Good Fortune*, together with the information above and aforesaid.

"We the General and Intendant have ordered and do order provisionally and until it shall otherwise be decreed by the American Deputies at Paris, the said decree shall be executed according to its form and tenor. That this ordinance shall be registered at the Admiralty Register's Office at the Cape.

"Given at the Cape under the Seals of our Arms and the countersign of our Secretaries the 9th of November, 1782. Signed Bellecomb and Bongaree, Sealed with red wax, and Lower by Mons^r. the General, signed Duperien by Monsieur the Intendant DeZest."

And it being further represented by said Delegates that Messrs. Clarke and Nightingale, merchants of Providence aforesaid, and owners of said Brigs *Unity* and *Providence*, and others interested in said deposits are unable to avail themselves of the benefit of said sentence or decree in their favour for want of a certificate that no complaint or application has been made to Congress by the said George Hardwick or any person or persons in behalf of the owners of the said Schooner *Good Fortune* to obtain a reversal of the said sentence or decree;

Wherefore Resolved, That the Secretary be directed to examine the Journals and files of Congress respecting this affair, and to deliver to said Delegates a certificate of the result of his examination.¹

¹ This motion, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 20, 1, folio 243. According to indorsement, and to Committee Book No. 186, it was referred, on August 5, to Mr. [Hugh] Williamson, Mr. [Samuel] Holten and Mr. [James] Duane.

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Hugh] Williamson,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Foster,	ay	} *	Mr. Boudinot,	no	} div.
<i>Massachusetts,</i>			Condict,	ay	
Mr. Gerry,	ay	} ay	<i>Pennsylvania,</i>		
Holten,	ay		Mr. Montgomery,	no	} *
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Ellery,	ay	} ay	Mr. Tilton,	no	} no
Howell,	ay		Bedford,	no	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. S. Huntington,	ay	} ay	Mr. Jones,	no	} no
B. Huntington,	ay		Madison,	no	
<i>New York,</i>			Mercer,	ay	
Mr. Duane,	no	} no	<i>North Carolina,</i>		
L'Hommedieu,	no		Mr. Hawkins,	no	} no
			Williamson,	no	

So the question was lost.

On the question to agree to the resolution as reported by the committee, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} *	Mr. Montgomery,	ay	} *
<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Gerry,	ay	} ay	Mr. Tilton,	ay	} ay
Holten,	ay		Bedford,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} div.	Mr. Jones,	ay	} ay
Howell,	no		Madison,	ay	
<i>Connecticut,</i>			Mercer,	ay	
Mr. S. Huntington,	ay	} ay	<i>North Carolina,</i>		
B. Huntington,	ay		Mr. Hawkins,	ay	} ay
<i>New York,</i>			Williamson,	ay	
Mr. Duane,	ay	} ay			
L'Hommedieu,	ay				
<i>New Jersey,</i>					
Mr. Boudinot,	ay	} ay			
Clark,	ay				
Condict,	ay				

So it was resolved in the affirmative.

The grand committee, consisting of Mr. [Abiel] Foster, Mr. [Samuel] Holten, Mr. [David] Howell, Mr. S[amuel] Huntington, Mr. [James] Duane, Mr. [Silas] Condict, Mr. [John] Montgomery, Mr. [James] McHenry, Mr. [Arthur] Lee, Mr. [Benjamin] Hawkins and Mr. [Jacob] Read, to whom was referred, "An Ordinance prohibiting the settlement and purchase of certain lands," reported the draft of a proclamation, which was agreed to as follows:

By the United States in Congress assembled.

A PROCLAMATION.

Whereas by the ninth of the Articles of Confederation, it is among other things declared, that "the United States in Congress assembled have the sole and exclusive right and power of regulating the trade, and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any State, within its own limits, be not infringed or violated." And whereas it is essential to the welfare and interest of the United States as well as necessary for the maintenance of harmony and friendship with the Indians, not members of any of the states, that all cause of quarrel or complaint between them and the United States, or any of them, should be removed and prevented: Therefore the United States in Congress assembled have thought proper to issue their proclamation, and they do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians, without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims without the express authority and directions of the United States in Congress assembled.

And it is moreover declared, that every such purchase or settlement, gift or cession, not having the authority aforesaid, is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession or settlement.¹

Done in Congress, at Princeton, this twenty-second day of September, in the year of our Lord one thousand seven hundred and eighty three, and of our sovereignty and independence the eighth.

¹ This proclamation, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 30, folio 31. According to the indorsement, it was delivered September 1, entered and read.

Congress took into consideration the report of a committee, consisting of Mr. [James] Duane, Mr. [Jacob] Read, Mr. [James] McHenry, Mr. [Samuel] Huntington, Mr. [Richard] Peters, Mr. [James] Wilson and Mr. [James] Madison, appointed to consider what jurisdiction may be proper for Congress in the place of their permanent residence; Whereupon,

The Committee consisting of Mr Duane, Mr Read Mr McHenry, Mr Huntington Mr Peters, Mr Wilson, and Mr Madison, appointed to consider what jurisdiction may be proper for Congress in the place of their permanent residence, Submit the following report:

That two points seem to be necessary for the consideration of your Committee.

The extent of the District which will be necessary for the residence of Congress, and of the powers to be exercised by Congress within that District.

Whereupon it is,

1. *Resolved*, That it is the opinion of this Committee that the United States in Congress assembled ought to enjoy an exclusive jurisdiction over the District which may be ceded and accepted for their permanent residence.

Postponed

2nd. *Resolved*, That it is the opinion of this Committee that the District so to be ceded and accepted for the permanent Residence of Congress ought not to exceed the Contents of six miles square, nor to be less than three miles square.¹

Ordered, That the said report be referred to a committee of the whole house.

Resolved, That on Thursday next, Congress be resolved into a committee of the whole, to take into consideration the above report.

That the district which may be ceded to and accepted by Congress for their permanent residence ought to be entirely exempted from the authority of the State ceding the same; and the organization

¹ This report, in the writing of James Duane, is in *the Papers of the Continental Congress*, No. 23, folio 149. The indorsement says, "delivered September 5, entered and read. Thursday September 18, 1783, assigned for consideration. September 22^d, 1783, referred to a committee of the whole. Thursday next assigned."

and administration of the powers of government within the said district concerted between Congress and the inhabitants thereof.¹

Resolved, That the State or States ceding the territory in which Congress shall determine to fix their permanent residence, should give up all jurisdiction whatsoever, over the territory so ceded, and the People inhabiting therein.

Resolved, That the appointment of Judges and the executive power within the said territory, should vest in Congress.

Resolved, That the People inhabiting within the said territory, should enjoy the privilege of trial by Jury, and of being governed by Laws made by Representatives of their own election.²

TUESDAY, SEPTEMBER 23, 1783

On motion of Mr. S[amuel] Huntington, seconded by Mr. [John Francis] Mercer,

Resolved, That a copy of the resolution of the 13th instant respecting Major General R. Howe, be transmitted to the Commander in Chief; and that ~~he be directed to give orders relative to Genl. Howe and the troops under his command as he shall deem expedient~~ [the General be requested to signify to the officers and soldiers of the detachment under the command of General Howe, that Congress are well satisfied with the promptitude and alacrity they discovered in executing the service on which they were employed.]³

The Committee [Mr. Theodorick Bland, Mr. Hugh Williamson, Mr. Richard Beresford] to whom was referred the letter of President Weare of the State of New Hampshire &c. Report,

¹ This motion, undated, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 23, folio 161.

² This motion, undated, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 46, folio 93.

On this day, as the indorsement states, was read a letter of September 22 from Stephen Moore, relative to his losses. It is in No. 78, XVI, folio 399.

On this, or an approximate date, was read a letter of September 21 from Jedidiah Peck, agent for Captain Post's company of Artificers, praying for relief. It is in No. 78, XVIII, folio 501.

³ This motion, in the writing of Samuel Huntington, except the part in brackets, which is in that of John Francis Mercer, is in the *Papers of the Continental Congress*, No. 36, II, folios 245 and 247.

That on examining the resolution of the 4th of Sept., 1782, they find that it is recommended to the legislature of the respective States to lay such taxes as *shall appear to them effectual* for immediately raising their quotas of 1,200,000 D^{rs} which when raised in each State shall be applied towards paying the interest due on certificates issued from the loan office of such State and other liquidated debts of the United States contracted therein *before any part* thereof shall be paid into the public Treasury. Your Committee are of opinion that no injury will arise to the public treasury by the State of New Hampshire being authorised to direct the loan officer of the said State to issue certificates of the interest due on loan office certificates for the year 1782, and that such certificates be receivable within the said state for the taxes laid in compliance with the requisition of the 4th of Sept^r 1782. Provided, such loan office certificates shall have issue originally from the loan office of the said state. But your committee conceive that a similar indulgence is equally due to every other State in the Union, and that it would greatly facilitate the raising the taxes in them all, and therefore beg leave to submit the following resolutions.

Resolved, That the *Legislatures of the respective States be authorised to direct* the loan officers in their States, respectively, to issue certificates [under the authority of the State for] interest due on loan office certificates ~~for the year 1782~~ [and other liquidated debts for one year] if demanded, provided such certificates shall have issued from their loan offices respectively and that the said certificates for interest thus issued [shall not bear interest but] may be received in discharge of so much of the quota of the requisition of the 4th of Sept^r. 1782 and be credited to the State respectively when paid to the Continental receiver who is hereby directed to return to the office of finance monthly a specific account of the Interest certificates by them received.

Resolved, That the nomination of Nathaniel Gilman of Exeter as loan officer to the State of New Hampshire is approved by Congress.

Resolved, That the loan officers in the respective states be and they are hereby directed to take in and liquidate agreeably to the scale of depreciation as fixed by Congress in their resolution of the day of all certificates which shall be offered for that purpose and which shall have issued from their respective loan offices, and that they issue in lieu thereof certificates of the same tenor and

date (the nominal sums excepted) certifying the specie value agreeable to the aforementioned scale of depreciation.¹

[WEDNESDAY, SEPTEMBER 24, 1783]

Ordered, That a Motion, "That the Commander in Chief be authorized to discharge such parts of the Fœderal Army now in Service as he shall deem proper and expedient. And that he direct
 Secret that necessary Cloathing be immediately provided for those that may be longer retained in Service," be referred to the Commander in Chief to take Order.²

THURSDAY, SEPTEMBER 25, 1783

At the request of Mr. [Samuel] Holten, a delegate for the State of Massachusetts, the letter of the 11th of July, 1783, from the Legislature of that State, was entered on the Journal as follows:

¹ This report, in the writing of Theodorick Bland, except the words in brackets, which are in the hand of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 20, I, folio 29. The indorsement states that it was delivered August 25, entered and read, and, on September 23, debated and committed to Mr. S[amuel] Huntington, Mr. [Abraham] Clark, Mr. [Elbridge] Gerry. See *post* Oct. 1.

The following, without date, the first paragraph in the writing of Hugh Williamson, the second in that of Elias Boudinot, belongs to this period. It is on folio 33:

"That the President of the State of New Hampshire be informed, That, Whereas it is provided by an act of Congress of 4th September, 1782, that the several sums to be raised by the States being their quota of 1,200,000 D^{rs} are to be applied towards the payment of Interest due on certificates issued from the Loan offices of such State and other liquidated debts of the U. S. contracted therein before any part thereof is paid into the public Treasury. The several States are thereby enabled to pay the Quotas of the Interest due to their respective citizens on L. O. C^{ts} or other liquidated debts, by issuing other certificates for the interest which are not to bear interest but which shall be received in payment of taxes or by such other means as to them shall appear most convenient.

Resolved, That the Presdt. of New Hampshire be informed in answer to his letter of that Congress consider the State of N. H. as authorised by the act of 4 Sept. 1782, to pay their own citizens 1 year's interest on all loan O. certificates and other liquidated debts in such manner as shall appear most agreeable to them, and that the evidence of such payment will be received by the Sup. Fin. in part of their quota of the requisition of said 4th Sept."

² This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers; Congressional Proceedings*. It is recorded in *Papers of the Continental Congress*, Committee Book No. 181, folio 126, where it is called the "motion of Mr. S. Huntington."

COMMONWEALTH OF MASSACHUSETTS,
Boston, July 11, 1783.

SIR: The address of the United States in Congress assembled has been received by the legislature of the Commonwealth of Massachusetts; and while they consider themselves as bound in duty to give Congress the highest assurance, that no measures consistent with their circumstances, and the constitution of this government and the federal union, shall remain unattempted by them, to furnish those supplies which justice demands, and which are necessary to support the credit and honor of the United States; they find themselves under a necessity of addressing Congress, in regard to the subject of the half-pay of the officers of the army, and the proposed commutation thereof, with some other matters of a similar nature, which produce among the people of this Commonwealth the greatest concern and uneasiness, and involve the legislature thereof in no small embarrassments.

The Legislature have not been unacquainted with the sufferings, nor are they forgetful of the virtue and bravery of their fellow-citizens in the army; and while they are sensible that justice requires they should be fully compensated for their services and sufferings, at the same time it is most sincerely wished that they may return to the bosom of their country, under such circumstances, as may place them in the most agreeable light with their fellow-citizens.

Congress, in the year 1780, resolved, that the officers of the army, who should continue therein during the war, should be entitled to half-pay for life; and at the same time resolved, that all such as should retire therefrom, in consequence of the new arrangement which was then ordered to take place, should be entitled to the same benefit: a commutation of which half-pay has since been proposed.

The General Court are sensible that the United States in Congress assembled are, by the Confederation, vested with a discretionary power, to make provision for the support and payment of the army, and such civil officers as may be necessary for managing the general affairs of the United States: but in making such provision, due regard ever ought to be had to the welfare and happiness of the people, the rules of equity, and the spirit and general design of the Confederation. We cannot on this occasion avoid saying that, with due respect, we are of opinion, those principles were not duly attended to, in the grant of half-pay to the officers of the army; that being, in our opinion, a grant of more than an adequate reward for their services and inconsistent with that equality which ought to

subsist among citizens of free and republican states. Such a measure appears to be calculated to raise and exalt some citizens in wealth and grandeur, to the injury and oppression of others, even if the inequality which will happen among the officers of the army, who have performed from one to eight years' service, should not be taken into consideration.

The observations which have been made with regard to the officers of the army, will in general apply to the civil officers appointed by Congress, who, in our opinion, have been allowed much larger salaries than are consistent with the state of our finances, the rules of equity, and a proper regard to the public good: and indeed, if the United States were in the most wealthy and prosperous circumstances, it is conceived that œconomy and moderation, with respect to grants and allowances, in opposition to the measures which have been adopted by monarchical and luxurious courts, would most highly conduce to our reputation, even in the eyes of foreigners, and would cause a people, who have been contending with so much ardor and expence for republican constitutions and freedom, which cannot be supported without frugality and virtue, to appear with dignity and consistency; and at the same time would, in the best manner, conduce to the public happiness.

It is thought to be essentially necessary, especially at the present time, that Congress should be expressly informed, that such measures as are complained of, are extremely opposite and irritating to the principles and feelings which the people of some Eastern States, and of this in particular, inherit from their ancestry.

The Legislature cannot, without horror, entertain the most distant idea of the dissolution of the union, which subsists between the United States, and the ruin which would inevitably ensue thereon; but with great pain they must observe, that the extraordinary grants and allowances which Congress have thought proper to make to their civil and military officers, have produced such effects in this Commonwealth, as are of a threatening aspect. From these sources, and particularly from the grant of half-pay to the officers of the army, and the proposed commutation thereof, it has arisen, that the General Court has not been able hitherto to agree in granting to the United States, an impost duty, agreeable to the recommendation of Congress; while the General Assembly, at the same time, have been deeply impressed with a sense of the necessity of speedily adopting some effectual measures for supplying the continental treasury, for the restoration of the public credit, and the salvation of the country:

and propose, as the present session is near terminating, again to take the subject of the impost duty into consideration early in the next. From these observations you may easily learn the difficult and critical situation the Legislature is in, and they rely on the wisdom of Congress to adopt and propose some measures for relief in this extremity.

In the name and by order of the General Court,

We are your Excellency's most obedient humble servants,

S. ADAMS,

President of the Senate,

TRISTRAM DALTON,

Speaker of the House of Representatives.

His Excellency the President of Congress.¹

Congress resumed the consideration of the report of the committee, to whom was referred the report of the committee, on the letter of the 11th of July, from the legislature of Massachusetts, and the same being read as follows:

That the subjects of complaint in the said letter are the grant of half-pay for life to the officers of the army; the commutation granted to the said officers of five years' whole pay, in lieu of the said half-pay; and the salaries allowed to the civil officers of Congress.

That without dwelling on the reasonableness and justice of a provision in favor of those whose former professions, pursuits and prospects, have in a long course of military service, given place to habits and acquirements, which on the return of peace, however honorable they may be to the possessor, cease to be a source of profit to him,

~~or urging the example of other nations who have considered such provision as indispensable since war is become a science and is carried on by regular armies~~²

Your committee observe, that the half-pay was granted at a critical period of the war, when our finances were embarrassed, our credit impaired, our army distressed, the

¹ This letter is in the *Papers of the Continental Congress*, No. 65, II, folio 185.

² This paragraph, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 20, I, folio 155.

officers discontented, and resignations so general, as to threaten the dissolution of a corps on whose military experience the public safety, in the judgment of the Commander in Chief, greatly depended. The first grant was limited to seven years, but not being deemed satisfactory by the army, the evil of resignations continued to prevail to so alarming a degree, as to require a more effectual remedy; and the grant of half-pay to the officers was extended for life.

Your committee are persuaded that no doubt can be entertained, but that Congress were of opinion, that this provision was alone competent, if it was not the only one at that time in their power, to establish a military force capable of opposing the dangers with which the United States were then surrounded. That although it is to be regretted that any measure has been adopted by Congress, which has given uneasiness to the legislature or the citizens of the Massachusetts; yet

~~it is to be considered that the diversity of sentiments and circumstances among the constituents of Congress must often render partial disapprobations an inevitable consequence of measures which in a collective view have the most salutary tendency; and that~~¹

experience has shewn how essentially that provision in question has contributed to the stability of the army, to its perfection in discipline, to the vigor and decision of its operations, and to those brilliant successes which have hastened the blessings of a safe and honorable peace.

Your committee hold it to be the bounden duty of Congress, to leave no effort unessayed, that may enable them to conform to the known and express sense of their constituents; but a perfect compliance with the wishes of ~~any one~~ every part will often be found, ~~on~~ after due consideration, ~~to be unjust and by experience to have been proven to be impracticable.~~

¹ The part struck out, which was not accepted, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 20, I, folio 155.

~~In the general council where such variety of interest and contrariety of sentiment are combined, the deputies of the respective states are constrained to make mutual concession the basis of many national acts, and that which will be found most beneficial to the whole will never be framed in exact conformity to the partial view or prejudices of a part. Your committee are of opinion that Congress have every reason to be assured that by far the greater part of their constituents consider the engagement of half pay to the officers as a measure not only originally expedient and well timed, but wise, equitable and just. Still however an anxiety to accommodate their acts to the sentiments of every part of the Union (however late expressed as far as they judged would be consistent with the honor and good faith of government and that duty which they owed to the whole) prompted Congress as they are instructed to adopt a commutation of the half pay for a sum in gross~~

Your committee consider the measure of Congress, as the result of a deliberate judgment, framed on a general view of the interests ~~and sentiments~~ of the Union at large. They conclude it to be a truth, that no State in this Confederacy can claim (more equitably than an individual in a society) to derive advantages from a union, without conforming to the judgment of ~~the~~ a constitutional majority of those who compose it; still, however, they conceive it will be found no less true, that if a State every way so important as Massachusetts, should ~~ever~~ withhold her solid support to constitutional measures of the Confederacy, the result must be a dissolution of the union; and then she must hold herself as alone responsible for the anarchy and domestic confusion that may succeed, and for exposing all these confederated states (who, at the commencement of the late war, leagued to defend her violated rights) an easy prey to the machinations of their enemies, and the sport of European politics; and therefore they are of opinion that Congress should still confide, that a free, enlightened and generous people will never hazard consequences so perilous and alarming;

~~in order to wrest any part of their well earned dues, from a meritorious army to whom, under God, we are chiefly indebted for our existence as a nation, and the power of deliberating on their fate~~

and in all circumstances rely on the wisdom, temper and virtue of their constituents, which (guided by an all-wise Providence) have ever interposed to avert impending evils and misfortunes.¹

Your committee beg leave further to observe, that from an earnest desire to give satisfaction to such of the states as expressed a dislike to the half-pay establishment, a sum in gross was proposed by Congress, and accepted by the officers, as an equivalent for their half-pay. That your committee are informed, that such equivalent was ascertained on established principles which are acknowledged to be just, and adopted in similar cases: but that if the objections against the commutation were ever so valid, yet as it is not now under the arbitration of Congress, but an act ~~constitutionally and~~ finally adopted, and the national faith pledged to carry it into effect, they could not be taken into consideration.

With regard to the salaries of civil officers it may be observed, that the necessities of life have been very high during the war ~~and particularly so where the publick business has been principally transacted~~: hence it has happened that even the salaries complained of, have not been found sufficient to induce persons properly qualified to accept of many important offices, and the public business is left undone.

Your committee are nevertheless of opinion, that since the cessation of hostilities, ~~and the reduction of the price of most of the necessities of life~~ the expence of living is moderated, and that a considerable reduction may be made in the civil list.²

¹ This paragraph and that next preceding it, in the writing of John Francis Mercer, are in the *Papers of the Continental Congress*, No. 20, I, folio 151.

² A fair copy of this report is in the *Papers of the Continental Congress*, No. 20, I, folios 147 and 148. The rough copy is on folios 149, 151, 155 and 159, being in the writing of James Duane, except the paragraphs noted above as being in the writing of James Madison and John Francis Mercer. The indorsement, and the record in Committee Books No. 186 and No. 191, show that it was the report of Mr. [James] Madison, Mr. [John Francis] Mercer and Mr. [James] Duane, to whom the report of Duane, Lee and Huntington had been referred on September 18.

On the question to agree to this report, the yeas and nays being required by Mr. [Samuel] Holten,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	no	} *	Mr. Tilton,	ay	} ay
<i>Massachusetts,</i>			Bedford,	ay	}
Mr. Holten,	no	} *	<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Carroll,	ay	} *
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no	}	Mr. Madison.	ay	} ay
<i>Connecticut,</i>			Bland,	ay	}
Mr. S. Huntington,	ay	} ay	Lee,	ay	}
B. Huntington,	ay	}	Mercer,	ay	}
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	ay	} ay	Mr. Hawkins,	ay	} ay
L'Hommedieu,	ay	}	Williamson,	ay	}
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	} no	Mr. Read,	ay	} ay
Clark,	no	}	Beresford,	ay	}
Condict,	no	}			
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	ay	} ay			
Montgomery,	ay	}			
Peters,	ay	}			

So it was resolved in the affirmative.

The committee, consisting of Mr. [James] Madison, Mr. [Stephen] Higginson and Mr. [Alexander] Hamilton, to whom was referred a letter from Dr. Franklin, of the 15th of April last, reported the draught of a proclamation, which was agreed to as follows:

By the United States in Congress assembled.

A PROCLAMATION.¹

Whereas in pursuance of a plenipotentiary commission, given on the 28th day of September, one thousand seven hundred and eighty-two, to the hon. Benjamin Franklin, a treaty of amity and commerce between his Majesty the King of Sweden and the United States of America, was on the third day of April, one thousand seven

¹ This proclamation was also entered in the manuscript Secret Journal, Foreign Affairs.

hundred and eighty-three, concluded by the said Benjamin Franklin, with a minister plenipotentiary, named for that purpose, by the said king: and whereas the said treaty hath been duly approved and ratified by the United States in Congress assembled, and a translation thereof made in the words following:

[Here insert the treaty in English, *vide* July 29.]

Now therefore, to the end that the said treaty may with all good faith be performed and observed on the part of these states, all the citizens and inhabitants thereof, and more especially all officers and others in the service of the United States, are hereby enjoined and required to govern themselves strictly in all things according to the stipulations above recited.

Done in Congress, at Princeton, this twenty-fifth day of September, in the year of our Lord one thousand seven hundred and eighty three, and of our sovereignty and independence the eighth.

ELIAS BOUDINOT, *President*.

CHARLES THOMSON, *Secretary*.¹

The committee, consisting of Mr. [Abraham] Clark, Mr. [Hugh] Williamson and Mr. [James] Duane, to whom was referred a memorial of Stephen Moore, report,

That the memorialist is proprietor of a tract of land containing by estimation eleven hundred acres, lying in the highlands, on the west side of Hudson's river.

That the fortifications and barracks at West Point and its vicinity are erected within the said tract, from which a considerable quantity of timber and wood has been taken for the use of those works, and the garrison posted there in the course of the war.

That in pursuance of an act of Congress of the 18th day of December, 1779, the quartermaster general returned an estimate of the damages which had been then sustained by the memorialist ~~amounting to two hundred and ninety-two thousand Dolls of the paper emissions.~~

That on the 7th of February, 1780, an order issued on the treasury in favor of the said memorialist for ten thousand

¹ The draft of the proclamation, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 29, folio 323.

dollars, and also a draft on the governor of North Carolina for thirty thousand dollars, both towards satisfaction for the said damages.

That the memorialist claims not only the arrears due to him on the before-mentioned estimate, but also the value of wood and timber cut and taken for repairing and improving the said fortifications, and accommodating the garrison since that period; together with a reasonable rent for the use of the said land.

Upon this state of facts, the committee are of opinion, that the interest of the public, and of the memorialist, will be best promoted by a final settlement of the claims under consideration, without any regard to the ~~partial~~ estimates grounded on the before-mentioned act of the 18th of December, 1779.

Whereupon, Resolved, That the Superintendant of finance take order for ascertaining the quantity and value of the wood and timber, also of the hay which have been taken from the lands of the memorialist, Stephen Moore, at West Point, for the public use, by referring the same to the determination of three disinterested persons, who shall be upon oath, one of whom shall be chosen by the Superintendant of finance, another by the memorialist, and a third by the two first chosen. They shall also determine the rent of the buildings formerly erected, and of the lands from the time they have been in possession of the public.

That the several sums already received by the memorialist from the United States, on account of the said lands, shall be charged against him according to its value by the scale of depreciation of the 28th day of June, 1780; and the balance shall be paid or secured to him in the same manner as other similar claims are paid or secured; the memorialist on his part giving sufficient security to indemnify the United States against any claims made upon the said lands.

Whereas much labour has been expended on the several fortifications at and near West Point and the buildings and materials are of

great value, your Committee are of the opinion that it would be advisable to purchase the fee simple of such part of the soil as will be commodious for the said fortifications and buildings, that the propriety of such a purchase will not be lessened even if the post at West Point should be abandoned on the peace because if the right of soil should be vested in the public the buildings may be disposed of to much greater advantage than can be expected if they should be demolished and the materials only converted into money, but your Committee are unable to determine how much of the land will be necessary for the purpose above suggested, on which they submit the further Resolve,

That the Secretary at War be directed to enquire into and report to Congress the quantity and limits of the land which may be proper to purchase from the memorialist for the uses herein specified, and that the Superintendant of Finance be authorized in behalf of the United States to enter into an agreement for ascertaining a reasonable price for the said land independant of the buildings and improvements thereon. The land and its former improvements to be rated according to the present value of such estate supposing it to be in the condition in which it stood when the public first took possession of it, and that such price be determined in the manner already proposed for determining the value of the timber &c.

That the memorialist on receiving payment or security to his satisfaction for the lands and improvements which may be purchased from him shall execute a conveyance for the same, such as the Superintendant of Finance shall approve for the use of the U. S. in fee simple.¹

According to order, the house was resolved into a Committee of the Whole, to take into consideration the report of the committee appointed to consider what jurisdiction may be proper for Congress in the place of their permanent residence: Mr. [Daniel] Carroll was elected to the chair. After some time the President resumed the chair, and Mr. [Daniel] Carroll reported, that the Committee of the Whole had taken into consideration the report referred to them,

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, IV, folio 95. According to the indorsement, the report was delivered August 22, entered and read. See *ante*, July 8, *note*.

and made some progress therein, but not having come to a conclusion, desire leave to sit again to-morrow.

Ordered, That leave be granted.

The Committee consisting of Mr [James] Duane, Mr [John] Rutledge, Mr [Thomas] Fitzsimmons, Mr [Elbridge] Gerry, and Mr [Stephen] Higginson, appointed to consider the late despatches from the Ministers of the United States at Foreign Courts and to report what measures are necessary to be taken thereupon, having already laid before Congress an analysis of those despatches, proceed now to the discharge of the remaining duty for which they were appointed namely to give their opinion on the steps which will be proper to be taken by Congress on the subjects of those despatches.

That it appears from Mr Adams' letters of the 23rd of June, and the 14th and 18th of July, the Ministers Joint letter of the 27th and Doctor Franklin's of the 22nd of July, that the Court of Great Britain had discovered great Jealousy upon the subject of American commerce. That the truth of this fact seems clearly to be evinced by two proclamations of his Brittannick Majesty of the

and the first of which restrains the importation of the produce of any of the United States to vessels belonging to Great Britain and navigated according to their Laws, or to vessels belonging to the State of which the cargo is the produce; and the latter when taken in conjunction with their subsisting trade laws, absolutely prohibiting American vessels or subjects from trading to their Islands or Colonies.

Your Committee consider these Regulations as highly injurious to the welfare and Commerce of these United States, and peculiarly so to the Eastern States, as the article of fish is excluded from those which are to be admitted on any condition. That if these restrictions are continued and the vessels of each of the American States are confined in the importation into Great Britain to the products of that State only; the intercourse between the States will not only be straitened, but a great part of the carrying trade which arises from the exportation of American produce to England will be ingrossed by the subjects of that Kingdom, and a very important branch of our Commerce thereby lost; and altho' the Court of France hath not yet explicitly disclosed her intentions with respect to our future intercourse with her Colonies, there is too much reason to apprehend, that she will restrain it to those articles of import and export which do not interfere with her own exports or consumption,

and which are in fact of very inconsiderable value. Your Committee therefore consider it of the highest importance to counteract these systems so injurious to the United States, which can only be done by ~~having~~ delegating a general Power ~~vested in the supreme council of the nation~~ for regulating its commercial Interests. On this head they submit it to the consideration of Congress, whether it may not be expedient to appoint a Committee who shall prepare an address to the States upon the subject of Commerce, stating to them the Regulations which are prevailing in Europe, the evils to be apprehended therefrom, and the steps proper to be taken to guard against and to Counteract them.

Passed thus far.

Your Committee beg leave further to observe that in these dispatches and particularly in Mr Adams's letter of the 18th of July a sentiment is earnestly inculcated, which is indeed obvious in itself, that the Union requires additional support from its members, and that if the United States become respectable, it must be by means of ~~a more energetic federal~~ more energy in Government. For as some of the Nations of Europe do not yet perceive this important truth, that the sphere of their own Commerce will be eventually enlarged by the growth of America, but on the contrary manifest a jealousy of our future prosperity, it becomes the United States seriously to consider their own Interests and to devise such general systems and arrangements, commercial or political, as our own peculiar circumstances may from time to time require. Your Committee therefore propose that a Special Committee be appointed to take this important subject under deliberation and to report the Result to Congress.

Yeas and nays:
passed.

Your Committee beg leave further to observe that it appears from Mr Adams's dispatches of the and Doctor Franklin's of the 22nd of July that propositions for entering into Treaties of amity and Commerce with these United States have been made to our Ministers by the King of Denmark, the Court of Portugal, the Emperor of Germany, the King of Prussia, the Grand Duke of Tuscany and the Court of Spain, and that many of the other Powers of Europe discover a like disposition. The appointment of a Special Committee is also recommended on this subject, to consider whether the transmission of general outlines of Treaties with those several Powers; or instructions to our Ministers as to the principles of such Treaties is most expedient, and to devise and report such outlines or instructions accordingly.

Passed.

Your Committee further submit it to consideration whether instructions ought not to be transmitted to the Ministers whom it Concerns immediately to stop all further loans in Europe?

Passed.

Whether Representations ought not to be made to the Court of Denmark for obtaining restitution for the prizes sent into Bergen by the *Alliance* Frigate?

Whether enquiry ought not to be made why the expedition of the *Alliance* and *Bon homme Richard* &c was carried on at the expence and on account of the Court of France, and whether any part of the profit arising therefrom accrued to the United States, or any of the expence thereof hath been placed to their account? Whether the

Passed.

proceeds of any of the prizes taken in that expedition, and which is due to the American officers and seamen employed therein is deposited in Europe, and in whose hands and to what amount? That the said Ministers be instructed to encourage overtures for treaties of amity and commerce from the respectable and Commercial powers of Europe upon terms of the most perfect reciprocity, and subject to the revival of Congress previous to their ratification. And your Committee are of opinion that these respective subjects be also referred to a Special Committee to report proper instructions to the Ministers of these United States thereupon.

Passed and committed.

That it is the opinion of your Committee that the Instructions last given by Congress to Mr Dana with respect to the armed Neutrality be transmitted to the rest of our Ministers in Europe for their information and government.

Passed.

That in the opinion of your Committee Congress ought to approve of the Intentions of the Ministers for negotiating a peace, to adopt the provisional Treaty as the substance of the Definitive Treaty, if no additional articles or explanations beneficial

Passed.

to the United States are likely to be soon obtained, ~~to approve of their sentiments with respect to Mr Wren, to express the just sense which Congress entertain of his great benevolence and acceptable services in favor of the American prisoners during their Confinement in England and to present him with a Sum not exceeding ——— in the name of the United States as some acknowledgement for his humane attention to their suffering Citizens.~~

£500 st.

[That tho thanks of Congress be given to the Rev^d. Dr Wren for his humane and benevolent attention to the Citizens of these U. S. who were prisoners at Portsmouth in G. B. during the war.]

That agreeably to Mr Jay's request in his letter of the 1st of June last Mr Carmichael be directed to repair to Paris with the books and vouchers necessary to make a final and complete settlement of the accounts of public money, which have passed through the hands of Mr Jay and himself, and that Mr Barclay the Consul for these United States in France be authorised to adjust those accounts.

Postponed.

That Mr Jay have leave to go to Bath should he find it necessary for the benefit of his health. ~~And that he be informed that it is the intention of Congress, that there be no reduction of his salary during his absence.~~

Passed.

That the Ministers be informed that ~~it is the intention of Congress to appoint Consuls from among the citizens of the United States for all places where they shall find it practicable~~ Congress do not intend

Passed.

to appoint any others than Citizens of the U. S. to the office of Consuls or Vice Consuls for the said States.

That the Committee to be appointed for preparing the last mentioned Instructions also prepare drafts of letters to the several Ministers (to be signed by the President) on the respective subjects last enumerated.

And lastly, your Committee beg leave to Report that it is in their opinion highly necessary that the Report already made on Mr Laurens' letters should be taken into consideration and proper instructions dispatched to our Ministers to enable them to pursue the very important objects recommended in that report.¹

Passed.

FRIDAY, SEPTEMBER 26, 1783

On the report of the committee, consisting of Mr. [Richard] Peters, Mr. [James] McHenry and Mr. [Theodorick] Bland, to whom was referred a letter of the 5th, from the War

¹ This second report, in the writing of James Duane, except the paragraph in brackets, which is in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 25, II, folios 261-268. The indorsement shows that it was read on this day. Adams's letter of June 23 is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), VI, 499, and the joint letter of Franklin, Jay and Laurens, July 27, on page 600. For other letters mentioned see *ante*, September 19, *note*, and *post* September 29, and October 1.

Also, a letter of September 7 of John Allan, unsigned, was read on this day. It was referred to Mr. [Elbridge] Gerry, Mr. [Richard] Peters and Mr. [Abiel] Foster. It is in No. 149, II, folio 571. According to Committee Book No. 191, a report was delivered September 29.

Office, relative to furloughing the Pennsylvania line, and subsistence to officers.

Resolved, That in the opinion of ~~the committee~~ Congress, the resolves of the 26th of May and 11th of June last, authorising the Commander in Chief and Secretary at War to grant furloughs, are fully sufficient to enable them to take order in the business respecting the Pennsylvania line, and Captain Second and Lieutenant Beaulieu, mentioned in the letter from the assistant secretary at war of the 5th instant.

Resolved, That the Commander in Chief be authorised and directed to grant furloughs to such of the general, medical and staff officers, and the officers of the engineers, whose services are not, in his opinion, necessary for the troops remaining in actual service.¹

Congress took into consideration the report of a committee, consisting of Mr. [James] Duane, Mr. [John] Rutledge, Mr. [Thomas] Fitzsimmons, Mr. [Elbridge] Gerry and Mr. [Stephen] Higginson, appointed to consider the late despatches from the ministers of these United States at foreign courts, and to report what measures are necessary to be taken thereon: And the following paragraph being under debate, viz. "Your committee beg leave further to observe, that in those despatches, and particularly in Mr. Adams's letter of the 18th of July, a sentiment is earnestly inculcated—which is indeed obvious in itself—that the union requires additional support from its members, and that if the United States become respectable, it must be by means of more energy in government: for as some of the nations of Europe do not yet perceive this important truth, that the sphere of their own commerce will be eventually enlarged by the growth of America, but on the contrary, manifest a

¹ This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 27, folio 239. According to the indorsement, it was delivered September 9, read and entered.

jealousy of our future prosperity, it becomes the United States seriously to consider their own interests, and to devise such general systems and arrangements, commercial or political, as our own peculiar circumstances may, from time to time, require. Your committee, therefore, propose, that a special committee be appointed, to take this important subject under deliberation, and to report the result to Congress."¹

And on the question to agree to the foregoing paragraph, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	no	*	Mr. Tilton,	ay	} ay
<i>Massachusetts,</i>			Bedford,	ay	
Mr. Holten,	no	*	<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Carroll,	ay	} *
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no		Mr. Bland,	no	} no
<i>Connecticut,</i>			Lee,	no	
Mr. S. Huntington,	ay	} ay	<i>North Carolina,</i>		
B. Huntington,	ay		Mr. Hawkins,	ay	} ay
<i>New York,</i>			Williamson,	ay	
Mr. Duane,	ay	} ay	<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Read,	ay	} ay
<i>New Jersey,</i>			Beresford,	ay	
Mr. Boudinot,	ay	} ay			
Clark,	ay				
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	ay	} ay			
Montgomery,	ay				
Peters,	ay				

So it was resolved in the affirmative.²

¹ This report, and the vote upon it, were also entered in the manuscript Secret Journal, Foreign Affairs. See *post*, September 29, and October 9.

² On this day, as the indorsement indicates, was read a letter of September 20 from the Agent of Marine, relative to the *Washington* packet. It is in the *Papers of the Continental Congress*, No. 137, III, folio 131.

Also, a letter of September 20 from the Superintendent of Finance, enclosing copies of correspondence with Joseph Pennell, relative to the settlement of marine accounts. It was referred to Mr. [Abraham] Clark, Mr. [Thomas] FitzSimons and Mr. [Hugh]

SATURDAY, SEPTEMBER 27, 1783

On the report of a committee, consisting of Mr. [Alexander] Hamilton, Mr. [James] McHenry and Mr. [Richard] Peters, to whom was referred a memorial of Lieutenant Colonel Ternant:

The Committee on the letter from the Secretary at War respecting Lt. Col. Ternant submit the following resolution:

Resolved, That Lieutenant Colonel Ternant be informed, that Congress, in ~~promoting Colonel Armand to the rank of Brigadier~~ continuing General Armand in the command of his corps at the time of his promotion to his present rank, had reasons of a peculiar nature, without any intention derogatory to the merit of Lieutenant Colonel Ternant, of whose ~~faithful~~ useful and distinguished services in the several confidential and important stations in which he has been employed, they entertain a just sense.¹

That Lt. Col. Ternant receive the emoluments of Lieut. Col. Commandant.²

The Committee consisting of Mr [James] Duane, Mr S[amuel] Huntingdon, Mr [Hugh] Williamson, Mr [Elbridge] Gerry and Mr [Abraham] Clark, to whom it was referred to consider what reductions may be made in the Civil list and to report specially on each Department, submit it as their opinion

Williamson. It is in No. 137, III, folio 135. According to Committee Book, No. 186, it was renewed December 18, and the correspondence referred on that date to Mr. [Hugh] Williamson, Mr. [Cadwalader] Morris and Mr. [David] Howell; and on January 21, 1784, to Mr. [David] Howell, Mr. [Jeremiah Townley] Chase and Mr. [Arthur] Lee.

Also, a letter of September 24 from the Superintendent of Finance, enclosing a letter from George Morgan, dated Princeton, September 20, respecting three Indian boys under his care. It was referred to Mr. [Benjamin] Hawkins, Mr. [William] Ellery and Mr. [John Francis] Mercer. It is in the *Papers of the Continental Congress*, No. 137, III, folio 145. According to Committee Book, No. 186, the committee reported October 13, but the entry in Committee Book No. 191 indicates that it was delivered on the 8th. See *post*, October 8.

¹ Here Charles Thomson resumes the entries in the Journal.

² This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 149, II, folio 605. According to the indorsement, it was delivered July 23, read and entered; and "passed, except the last paragraph, Sept. 27th."

That it is the duty of Congress at all times, but more especially when their constituents are exposed to heavy taxes and the Finances greatly embarrassed, to embrace every opportunity to introduce œconomy in the publick expenditures—that since a return of the blessings of Peace not only the Business of many of the officers on the domestic civil list is decreased but the charge of their subsistence is greatly moderated; And that by a change of system in conducting the Affairs of the United States, at foreign Courts, great savings may be also made to the publick.

Under these impressions your Committee have taken into consideration the reductions which may be made in the civil list in the several Departments established for the Despatch of the business of the United States; and agreeably to order proceed to report specially on each respective Department. And

I. On the Department of War your Committee recommend that it be

Resolved, That from and after the first day of November next three thousand dollars per Annum shall be allowed to the Secretary at War for managing the business of that Department, and for payment of the necessary Assistants or Clerks and all contingent expences of the Office. That he shall appoint and remove at pleasure all persons employed under him and shall be responsible for their conduct in Office. That he shall personally attend upon Congress when required. That he shall keep a publick and convenient Office in the place where Congress shall reside, in which one of his Assistants or Clerks shall constantly attend for the despatch of business. That he shall at least once a year, visit all the Magazines and deposits of publick Stores and report the state of them with proper arrangements to Congress, and shall twice a year settle the accounts of his Department and report them for the inspection of Congress. That the Appointment of every Assistant or Clerk shall be immediately certified to Congress for their approbation and such certificate or the substance thereof registered in a Book to be kept for that purpose by the Secretary of Congress. That as well the Secretary at War, as his assistants or Clerks before they shall enter on the duties of their Office, shall respectively take and subscribe oaths (or affirmations as the case may require) of Fidelity to the United States; and for the faithful execution of the trust reposed in them; and which Oaths or affirmations shall be administered by the Sec^y of Congress and a certificate thereof filed in his Office.

And the Oath of Fidelity shall be in the words following:

I, A. B. appointed to the office of (specifying the Office) do acknowledge that I do owe Faith and true allegiance to the United States of America and I do solemnly renounce and abjure all foreign Jurisdiction Power Authority and Preeminence whatsoever over the said United States or any of them and I do swear (or affirm as the case may be) that I will to the utmost of my Power support maintain and defend the said United States in their Freedom Sovereignty and Independence against all opposition whatsoever.

And the oath of Office shall be in the words following:

I, A. B. Appointed to the office of do swear or affirm (as the case may be) that I will faithfully truly and impartially execute the Office of to which I am so appointed according to the best of my skill and judgment: and that I will not disclose or reveal anything that shall come to my knowledge in the execution of the said Office or from the confidence I may thereby acquire, which in my own judgment, or by the injunction of my superiors ought to be kept secret.¹

The committee of the week [Mr. Gunning Bedford, Mr. James Tilton and Mr. Silas Condict] beg leave to report on the memorial of Amasa Jones, that it is their opinion Congress should not interfere in any case but where the general interest or justice of the United States ~~are intrusted~~ is concerned; that the request of Amasa Jones involves in it a point of law which ought to be determined in a judicial way ~~and that Congress should have nothing to do with it~~

[Agreed to September 27, 1783.] ²

The committee of the week [Mr. Gunning Bedford, Mr. James Tilton and Mr. Silas Condict] on the memorial of the Low Dutch inhabitants of Kentucky &c report, That it would be improper for Congress to make any grants of land in the Western Country, till they compleat their general arrangements as to the ceded territory.³

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 27, folio 243. The indorsement states that it was read on this day; Tuesday next assigned for consideration, and recommitted March 4, 1784.

² This report, in the writing of Gunning Bedford, is in the *Papers of the Continental Congress*, No. 41, IV, folio 440. It is indorsed on the memorial, which is dated July 16.

³ This report, in the writing of Gunning Bedford, is in the *Papers of the Continental Congress*, No. 41, V, folio 96. It is indorsed on the memorial. The memorial is on folios 95-97. It was read on this day, as the indorsement indicates, and the report, which is undated, was probably presented at once.

The committee of the week [Mr. Gunning Bedford, Mr. James Tilton and Mr. Silas Condict] report the within memorial [Nicholas Schuyler's] to be referred to a special committee. Negatived.¹

The committee of the week [Mr. Gunning Bedford, Mr. James Tilton and Mr. Silas Condict] report that the within address [of Stephen Conte] be ~~read in Congress~~ referred to a committee who understand French.²

MONDAY, SEPTEMBER 29, 1783

On the report of a committee, consisting of Mr. [Abraham] Clark, Mr. [Thomas] Fitzsimmons and Mr. [Benjamin] Hawkins, to whom was referred a memorial of Mark Bird, requesting that the chain made for the defence of Hudson's river, may be delivered to him at a reasonable price:

The Committee consisting of Mr [Abraham] Clark, Mr [Thomas] Fitzsimmons and Mr [Benjamin] Hawkins, to whom were referred the memorial of Mark Bird report,

That as the memorialist ~~having a demand upon~~ being a creditor of the United States may obtain a settlement of his accounts in common with others under similar circumstances, it is unnecessary to give any particular order in his behalf.

With respect to the chain made for the defence of Hudson's river, your Committee are of opinion it will be improper to dispose of the same at this time; ~~should such a measure be judged proper hereafter the product of such sale ought to be for general use, and not for the benefit of any particular creditor.~~³

¹ This report, in the writing of James Tilton, is in the *Papers of the Continental Congress*, No. 41, IX, folio 238. It is indorsed on the memorial.

² This report, in the writing of Gunning Bedford, is in the *Papers of the Continental Congress*, No. 78, VI, folio 214. Conte's letter is on folio 211. Committee Book, No. 186, shows that it was referred to Mr. [Benjamin] Hawkins, Mr. [David] Howell, and Mr. [Richard] Peters. According to Committee Book No. 191, a report "that relief cannot be granted" was delivered October 9, and filed.

According to the indorsement, a letter, dated Princeton, August 13, from the Secretary at War, asking leave to resign, was read on this day and referred to Mr. [James] Duane, Mr. A[rthur] Lee, and Mr. S[amuel] Huntington. It is in No. 149, III, folio 131.

³ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, I, folio 363.

Resolved, That it is improper at this time to dispose of the chain made for the defence of Hudson's river.

On motion of Mr. [Daniel] Carroll, seconded by Mr. [John Francis] Mercer,

Resolved, That the injunction of secrecy in the late dispatches be taken off, excepting on such parts as have relation to subjects heretofore under an injunction of secrecy or desired to be kept secret by any of our Ministers.¹

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Arthur] Lee and Mr. [Daniel] Carroll, to whom was referred a motion of Mr. [Elbridge] Gerry,

Resolved, That the minister or ministers for negotiating peace in behalf of the United States, be, and they are hereby instructed to negotiate an explanation of the following paragraph of the declaration acceded to by the ministers plenipotentiary of the United States, the 20 January, 1783, relative to captures, viz. "That the term should be one month from the Channel and North sea, as far as the Canary islands inclusively, whether in the Ocean or the Mediterranean."

~~and that a copy of the Memorial from a number of merchant of Boston and the neighboring seaports, on the subject of this resolve, be transmitted to the said minister or ministers.~~

Ordered, That a copy of the above instruction be sent to the court of appeals, and to the executives of the several states respectively.²

N. B.—The foregoing resolution, together with the substance of the resolutions which passed on the 29 September and first of October, were reduced by a committee into the form of Instructions, which were agreed to on the 29 October, saving that the instruc-

¹ This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

² This report, in the writing of Elbridge Gerry, except the last paragraph, which is in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 25, II, folio 251. The resolution and order were also entered in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

tion for immediately stopping all further loans was suspended and recommitted, that the committee might confer thereon with the Superintendant of finance.¹

The committee, consisting of Mr. [James] Duane, Mr. [John] Rutledge, Mr. [Thomas] Fitzsimmons, Mr. [Elbridge] Gerry and Mr. [Stephen] Higginson, appointed to consider the late despatches from the ministers of the United States at foreign courts, and to report what measures are necessary to be taken thereon, reported as follows:

Whereas it appears from Mr. Adams's letters of the 23d of June, and 14th and 18th of July, from the ministers' joint letter of the 27th, and Dr. Franklin's of the 22d July, that the Court of Great Britain has discovered great jealousy upon the subject of American commerce; and the truth of this fact seems to be clearly evinced by two proclamations of his Britannick Majesty of the and the the first of which restrains the importation of the produce of any of the United States to vessels belonging to Great Britain, and navigated according to her laws, or to vessels belonging to the state of which the cargo is the produce; and the latter, when taken in conjunction with her subsisting trade laws, absolutely prohibits American vessels or subjects from trading to the British islands or colonies:

And whereas these regulations are highly injurious to the welfare and commerce of these United States, and peculiarly so to the eastern states, as the article of fish is excluded from those which are to be admitted on any condition: for if these restrictions are continued, and the vessels of each of the American states are con-

¹ This paragraph was entered only in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III. From this point to the end of the day the proceedings were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

fined in the importation into Great Britain to the products of that state only, the intercourse between the states will not only be straitened, but a great part of the carrying trade, which arises from the exportation of American produce to England, will be engrossed by the subjects of that kingdom, and a very important branch of our commerce thereby lost. And although the Court of France hath not yet explicitly disclosed her intentions with respect to our future intercourse with her Colonies, there is too much reason to apprehend that she will restrain it to those articles of import and export which do not interfere with her own exports or consumption, and which are in fact of very inconsiderable value:

And whereas it is of importance to counteract these systems so injurious to the United States; and this can only be done by delegating a general power for regulating their commercial interests: Whereupon,

Resolved, That a committee be appointed to prepare an address to the states upon the subject of commerce, stating to them the regulations which are prevailing in Europe, the evils to be apprehended therefrom, and the steps proper to be taken to guard against and to counteract them.

The members—Mr. [Thomas] Fitzsimmons, Mr. [James] Duane and Mr. [Arthur] Lee.

The committee having further reported as follows:

Whereas it appears that in those despatches, and particularly in Mr. Adams's letter of the 18th of July, a sentiment is earnestly inculcated, which is indeed obvious in itself, that the union requires additional support from its members; and that if the United States become respectable it must be by means of more energy in government: for as some of the nations of Europe do not yet perceive this important truth,

that the sphere of their own commerce will be eventually enlarged by the growth of America, but on the contrary, manifest a jealousy of our future prosperity, it becomes the United States seriously to consider their own interests, and to devise such general systems and arrangements, commercial or political, as our own peculiar circumstances may from time to time require: Thereupon,

Resolved, That a special committee be appointed to take this important subject under deliberation, and report the result to Congress.

The members—Mr. [Thomas] Fitzsimmons, Mr. [James] Duane and Mr. [Arthur] Lee.¹

The committee having further reported,

And whereas it appears from Mr. Adams's despatches of and Doctor Franklin's of the 22d July, that propositions for entering into treaties of amity and commerce with these United States have been made to our ministers by the King of Denmark, the Court of Portugal, the Emperor of Germany, the King of Prussia, the Grand Duke of Tuscany, and the Court of Spain; and that many of the other powers of Europe discover a like disposition: Thereupon,

Resolved, That a committee be appointed to consider this subject; and whether the transmission of general outlines of treaties with those several powers, or instructions to our ministers as to the principles of such treaties, be most expedient; and to devise and report such outlines or instructions accordingly.

The members—Mr. S[amuel] Huntington, Mr. [James] Duane and Mr. [Arthur] Lee.²

¹ These two reports, in the writing of a clerk, are in the *Papers of the Continental Congress*, No. 24, folio 95. According to the record in Committee Book No. 186, this committee was appointed September 26, and reported October 9.

² According to the record in Committee Book No. 186, this committee was appointed September 26, and reported as to a treaty with Denmark, on October 22.

The committee further reported, that instructions be transmitted to the ministers whom it concerns, immediately to stop all further loans in Europe.

That representations be made to the Court of Denmark for obtaining compensation for the prizes sent into Bergen by the *Alliance* frigate.

That inquiry be made why the expedition of the *Alliance* and *Bon Homme Richard*, &c. was carried on at the expence and on account of the Court of France; and whether any part of the profit arising therefrom accrued to the United States; or any of the expense thereof placed to their account; and whether the proceeds of any of the prizes taken in that expedition, and which is due to the American officers and seamen employed therein, is deposited in Europe, and in whose hands, and to what amount.

That the ministers of these United States be instructed to encourage overtures for treaties of amity and commerce from the respectable and commercial powers of Europe, upon terms of the most perfect reciprocity, and subject to the revisal of Congress previous to their ratification: Whereupon,

Resolved, That these several subjects be referred to a special committee to report thereon proper instructions to the ministers of these United States.

The members—Mr. S[amuel] Huntington, Mr. [Arthur] Lee and Mr. [James] Duane.¹

Ordered, That the instructions last given by Congress to Mr. Dana, with respect to the armed neutrality, be transmitted to the rest of our ministers in Europe for their information and government.

Resolved, That Congress do approve the intentions of the ministers for negotiating a peace to adopt the

¹ According to the record in Committee Books No. 186 and No. 191, this committee was appointed September 29, and delivered a report October 22, which was acted upon, October 29.

provisional treaty as the substance of the definitive treaty, if no additional articles or explanations beneficial to the United States are likely to be soon obtained.

Resolved, That the thanks of Congress be given to the reverend Doctor Wren, for his humane and benevolent attention to the citizens of these United States who were prisoners at Portsmouth in Great Britain during the war.¹

TUESDAY, SEPTEMBER 30, 1783

On the report of a committee, consisting of Mr. [James] McHenry, Mr. [Richard] Peters and Mr. [Theodorick] Bland, to whom was referred a letter of 15 May, from the Secretary at War,

The Committee to whom was referred the letter from the Secretary at War of the 15th May respecting the promotion of certain officers at the close of the War, report,

That an honorary promotion of a grade by brevet to those Officers, who hold the same rank at this time which they held in the year 1777 could not be complained of by the rest of the Army, being in itself an act of justice. The committee are supported in this opinion by the sentiments of the Commander in Chief, who recommends the measure as one likely to gratify a deserving description of officers.

Therefore, they submit the following resolution:

Resolved, that the Secretary at War issue to all Officers in the Army [under the rank of Major General] who hold the same rank now that they held in the year 1777, a brevet Commission, one grade higher than their present rank [having respect] ~~in dating their commissions to the relative dates of their commissions of 1777~~ [to their seniority].²

¹ On this date, as the indorsement shows, was read a letter of September 26 from Richard Varick, relative to his compensation. It was referred to Mr. [Abraham] Clark, Mr. [Theodorick] Bland and Mr. [James] McHenry. It is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 203. Committee Book, No. 186, states that the committee reported October 1, and Committee Book, No. 191, that the report was acted upon October 30.

² This report, in the writing of James McHenry, except the part in brackets, which is in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 27, folio 241. According to the indorsement, it was read and entered September 18.

Resolved, That an honorary promotion of a grade by brevet to those officers who hold the same rank at this time which they held in the year 1777

That the Secretary at War issue to all officers in the army, under the rank of major general, who hold the same rank now that they held in the year 1777, a brevet commission one grade higher than their present rank, having respect to their seniority; and that commissions for full colonels be granted to the lieutenant colonels of 1777, the resolution of 27 May, 1778, notwithstanding.

On the report of a committee, consisting of Mr. [James] McHenry, Mr. [Richard] Peters and Mr. [James] Duane, to whom were referred a letter from Captain Segond, and sundry other papers,

The Committee to whom was referred the letter from Capt Segond and the papers enclosed report.

That tho' Capt Segond is the eldest Officer yet there are other Officers of the Corps late Pulaski's, Viz Cap^t Du Pontiere Aid to the Baron Steuben, Lieut Beaulieu who has been a long time a Prisoner of War (having been wounded and taken at Monk's Corner in S. Carolina) and Cap^t Le Bruu who was incorporated with Armand's legion. This latter may possibly be attended to with the rest of the Officers of Genl Armand's Corps; but it will be just at this time that Cap^t De Pontiere and Lieut Beaulieu receive similar treatment with Cap^t Segond: The Committee therefore recommend the following resolutions:

Resolved, That Captains Segond and De pontiere, late of Pulaski's legion, be promoted to the rank of majors by brevet in the army of the United States; their relative rank to be settled according to the dates of their present commissions.

Resolved, That Lieutenant Beaulieu be promoted to the rank of captain by brevet in the army of the United States.¹

¹ This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 19, V, folio 317. According to the indorsement, it was delivered September 2, entered and read.

On a report from the Secretary at War:

WAR OFFICE *September 22^d, 1783.*

SIR,

On the letter from Major General Howe, recommendatory of Captain Haskell to the brevet commission of Major, referred to the Secretary at War, I beg leave to report that Captain Haskell has sustained several staff appointments in the army, which it appears that he has discharged with honor to himself and benefit to the service, and in consideration of these extra-confidential services, I have the honor to submit the following draught of a resolve in his favor.

Resolved, That the brevet commission of major in the army of the United States, issue to Captain Haskell, aid-de-camp to Major General R. Howe.¹

On the report of a committee, consisting of Mr. [James] McHenry, Mr. [Benjamin] Hawkins and Mr. [James] Madison, to whom was referred a memorial of Lieutenant Edward Phelon:

The committee to whom was referred the memorial of Lt. Edward Phelon, beg leave to report the following Resolves:

~~*Resolved*, That Congress entertain a just sense of the merits of Lt. Phelon for the early part he took in the American contest, and for his zealous and faithful services during the war, and~~

That the Secretary at War issue to Lt. Phelon a brevet commission of Captain in the Army of the United States.²

That in consideration of the services and sufferings of Lt. Phelon and of the testimonials of his merit from a number of Genl. Officers, The Secretary at War issue to the said Lt. Phelon a commission of Captain in the Army of the United States.³

And that ~~the Superintendent of Finance do pay the said Lt. Phelon of the 4th Massachusetts regiment~~ Lt. Phelon be hereafter entitled to receive from the United States the pension of a wounded Captain agreeable to the spirit of the resolve of the day of⁴

¹ This report is in the *Papers of the Continental Congress*, No. 149, III, folio 199. According to the indorsement, and the record in Committee Books No. 186 and No. 191, Howe's letter was referred to the Secretary at War September 5, and the report was delivered and read in Congress September 25.

² The first three paragraphs of the report are in the writing of James McHenry.

³ This paragraph is in the writing of Elbridge Gerry.

⁴ This paragraph, and the balance of the report, is in the writing of Elias Boudinot.

Whereas Lieutenant Edward Phelon, of the 4th Massachusetts regiment, hath, by his memorial, set forth, that while he was fighting for the liberties of the United States, he received several wounds, under which he has for four years past borne the most excruciating pains; and that during that time, he has been without any other support from the public, than what has been given to other officers in full health; and that he is still a cripple: and whereas the facts above set forth, are certified to be true in all their parts, by eleven of the general officers of the army, who have moreover recommended him as having served with reputation to himself, and advantage to the United States, and as deserving the favor and consideration of Congress: therefore,

Resolved, That the Secretary at War issue to Lieutenant E. Phelon, a commission of captain in the army of the United States.¹

On the question to agree to this, the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	ay	*	Mr. Bedford,	ay	} ay
<i>Massachusetts,</i>			Tilton,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Holten,	ay		Mr. Carroll,	ay	} ay
<i>Rhode Island,</i>			McHenry,	ay	
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no		Mr. Bland,	ay	} ay
<i>Connecticut,</i>			Lee,	ay	
Mr. S. Huntington,	ay	} ay	Mercer,	ay	
B. Huntington,	ay		<i>North Carolina,</i>		
<i>New Jersey,</i>			Mr. Hawkins,	ay	} ay
Mr. Boudinot,	ay	} ay	Williamson,	ay	
Clark,	ay		<i>South Carolina,</i>		
Condict,	no		Mr. Read,	ay	} *
<i>Pennsylvania,</i>					
Mr. Montgomery,	ay	*			

¹ This report is in the *Papers of the Continental Congress*, No. 19, V, folios 139 and 141. A copy of the preamble and resolution is on folio 145.

So it was resolved in the affirmative.¹

WEDNESDAY, OCTOBER 1, 1783

The Superintendant of finance, to whom was referred a memorial of John Halsted, having laid before Congress a report from the commissioner of accounts for the commissary's department, on the accounts of the said J. Halsted,

Resolved, That the accounts of John Halsted be settled on the principles stated in the said report.²

Congress resumed the consideration of the before mentioned report,³ and thereupon,

Resolved, That Mr. Jay be authorised to direct Mr. Carmichael to repair to Paris, should Mr. Jay be of opinion that the interest of the United States at the Court of Madrid may not be injured by Mr. Carmichael's absence; and that he bring with him the books and vouchers necessary to make a final and complete settlement of the accounts of public money which have passed through the hands of Mr. Jay and himself, and that Mr. Barclay attend Mr. Jay and Mr. Carmichael to adjust those accounts.

Resolved, That Mr. Jay have leave to go to Bath, should he find it necessary, for the benefit of his health.

¹On this day, as the indorsement indicates, was read a letter, dated Albany, September 25, from General Schuyler, on Indian affairs. It is in the *Papers of the Continental Congress*, No. 153, III, folio 617.

On this day, as the indorsement indicates, was read the memorial of Flenry Mesplet, printer, dated Montreal August 1, 1783, and referred to Mr. [Samuel] Holten, Mr. [Arthur] Lee and Mr. [Abraham] Clark. It is in No. 41, VI, folio 305, and the letter of transmittal, of the same date, is in No. 78, XVI, folio 365. According to Committee Book No. 186, the committee was discharged November 1.

²The letter of the Superintendent of Finance, dated September 29, is in the *Papers of the Continental Congress*, No. 137, III, folio 159.

From this point to the end of the day the proceedings were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

³See *ante*, September 29.

The following paragraph being debated, viz.

That the ministers be informed that Congress do not intend to appoint any other than citizens of the United States to the office of consuls or vice consuls.

On the question to agree to this, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Gerry,	ay	} ay	Mr. Bedford,	ay	} div.
Holten,	ay		Tilton,	no	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. Carroll,	ay	} div.
Howell,	ay		M'Henry,	no	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. S. Huntington,	ay	} div.	Mr. Bland,	ay	} ay
B. Huntington,	no		Lee,	ay	
<i>New York,</i>			Mercer,	no	
Mr. Duane,	ay	} ay	<i>North Carolina,</i>		
L'Hommedieu,	ay		Mr. Hawkins,	ay	} ay
<i>New Jersey,</i>			Williamson,	ay	
Mr. Boudinot,	ay	} ay	<i>South Carolina,</i>		
Clark,	no		Mr. Read,	no	} div.
Condict,	ay		Beresford,	ay	
<i>Pennsylvania,</i>					
Mr. Montgomery,	ay	} div.			
Peters,	no				

So the question was lost.

Ordered, That the committee appointed to prepare instructions to the ministers of the United States prepare drafts of letters to the several ministers, to be signed by the President, on the respective subjects beforementioned.

The Committee consisting of Mr S[amuel] Huntington, Mr [Abraham] Clark and Mr [Elbridge] Gerry to whom were referred the report on the letter of President Weare of the State of New Hampshire, report:

That by an act of Congress of the 4th Sept., 1782, it is recommended to the legislatures of the respective States to levy such taxes as shall appear to them effectual for immediately raising their quotas of

1,200,000 dollars, which when raised in each State shall be applied towards paying the interest due on certificates issued from the loan office of such State, and other liquidated debts of the United States contracted therein, before any part thereof shall be paid into the public treasury. In order, therefore, that every embarrassment in the way of conducting this business to the greatest convenience to the States may be removed,

Resolved, That the legislatures of the several States be authorized to require the loan officers in their respective States, to take receipts for one year's interest upon all certificates issued from the Loan Office of each State tendered for [obliterated] on which one year's interest was due at the time of passing the abovesaid act, and to issue certificates for such interest under the authority of the State in such manner as the legislature shall direct, which State certificates thus issued shall not bear interest, but may be received in taxes for the quota of such State as fixed by the requisition above mentioned; ~~That the several loan officers be required to keep an exact [line cut off] discharge the U. S. for the same against the creditors so paid [provided that no State issue certificates for interest to the amount of a greater loan than such States quota of the beforementioned requisition].~~¹

The committee of the week [Mr. James McHenry, Mr. Silas Condict and Mr. Elbridge Gerry] report that the petition of Joseph Traversi be read in Congress.²

[THURSDAY, OCTOBER 2, 1783]

The Committee, consisting of Mr S[amuel] Huntington, Mr [James] Duane and Mr [James] Madison, to whom the Communication from the Minister of France of the 17 Instant was referred, Submit the following Report:

¹ This report, in the writing of Abraham Clark, except the part in brackets at the end, which is in the writing of Samuel Huntington, is in the *Papers of the Continental Congress*, No. 20, I, folio 27. The indorsement shows that it was delivered October 1, read, and ordered to be taken into consideration on Tuesday, October 8.

² This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 42, VII, folio 454. Traversi's memorial is on folio 451.

On this day, as the indorsement states, a memorial from Henry Remsen, Jr., and Benjamin Bankson, clerks in the office of the Secretary of Congress, dated Princeton, October 1, asking for an allowance for extra services and expenses, was read and referred to Mr. [Abraham] Clark, Mr. [Samuel] Holten and Mr. [Benjamin] Hawkins. According to Committee Books No. 186 and No. 191, the report was made October 6 and acted upon October 31. The memorial is in No. 41, VIII, folio 335.

Your Committee find a Report already made on a letter from the Superintendant of Finance, which contains a proper form for the ratification of the Contract made by Dr Franklin with the Count de Vergennes the 25th of February 1783 for six millions of livres, which ought to be immediately ratified—and the same being done, your Committee submit the following Resolutions,

Resolved, That the Minister of France be informed in answer to his communication of the 17th Instant, that all the Contracts and articles mentioned in his communication have been duly ratified by the United States in Congress Assembled, and that the last Contract of the 25th of February 1783 only remains to be transmitted to our Minister in France, which will be done without loss of time.¹

FRIDAY, OCTOBER 3, 1783

Whereas it is provided in the sixth of the Articles of Confederation, that “no vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defence of such State or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only as in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State”; and the delegates of the State of Virginia having applied to Congress, for their approbation of two armed vessels being kept up by the said State at its own expence, for the purpose of securing her trade; and having also laid before Congress an act passed by the legislature of the said State, entitled “An Act directing the inlistment of guards for the public prisons and stores”,

Resolved, That the State of Virginia may keep up, at its own expence, two armed vessels for the defence of the trade of that State, provided that the same do not exceed the number of 14 guns, six pounders, and seventy-five men each.

¹ This report, in the writing of Samuel Huntington, is in the *Papers of the Continental Congress*, No. 25, II, folio 269. The indorsement states that it was passed this day.

Resolved, That the State of Virginia may keep up, at its own expence, to the number of 25 privates with proper officers to guard the public prisons and stores.

Mr. [Theodorick] Bland and Mr. [Arthur] Lee, two of the delegates of the State of Virginia, laid before Congress the following extract of a letter from the governor of Virginia to the delegates of the said State, Viz:

"I have nothing to communicate to you but that my advices from our northwestern frontier tell me that if the Pennsylvanians continue their settlements on the other side of the Ohio a general Indian War is to be apprehended, which I am sure we are unable to engage in at present and yet we must take part in it or suffer the depopulation of our own country. How this imprudent step is to be corrected I know not."

And thereupon they moved,

That the above intelligence be communicated to the executive of the State of Pennsylvania, and that it be recommended to the said State to take the most effectual measures to restrain their citizens from settling on the aforesaid territory.

After debate, the order of the day was called for; whereupon a question of order was raised, viz:

Is it in order to call for the order of the day while a question is before the house, the order of the day not having been postponed?

And on this question, the yeas and nays being required by Mr. [Theodorick] Bland,

New Hampshire,

Mr. Foster, no } *

Massachusetts,

Mr. Gerry, no }
Holten, no } no

Rhode Island,

Mr. Ellery, no }
Howell, no } no

Connecticut,

Mr. S. Huntington, no }
B. Huntington, no } no

New York,

Mr. Duane, ay }
L'Hommedieu, ay } ay

<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Boudinot,	no	} no	Mr. Bland,	no	} no
Clark,	no		Lee,	no	
Condiet,	no		Mercer,	ay	
<i>Pennsylvania,</i>			<i>North Carolina,</i>		
Mr. Montgomery,	ay	} ay	Mr. Hawkins,	no	} div.
Peters,	ay		Williamson,	ay	
<i>Delaware,</i>			<i>South Carolina,</i>		
Mr. Bedford,	no	} div.	Mr. Read,	ay	} ay
Tilton,	ay		Beresford,	ay	
<i>Maryland,</i>					
Mr. Carroll,	ay	} ay			
McHenry,	ay				

So it passed in the negative.

A motion was then made by Mr. [John Francis] Mercer,
seconded by Mr. [Jacob] Read,

That the intelligence and motion be committed;

And on the question for committing, the yeas and nays
being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	ay	} *	Mr. Bedford,	ay	} ay
<i>Massachusetts,</i>			Tilton,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Holten,	ay		Mr. Carroll,	ay	} ay
<i>Rhode Island,</i>			McHenry,	ay	
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		
Howell,	ay		Mr. Bland,	no	} no
<i>Connecticut,</i>			Lee,	no	
Mr. S. Huntington,	ay	} ay	Mercer,	ay	
B. Huntington,	ay		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Hawkins,	ay	} ay
Mr. L'Hommiedieu,	ay	} *	Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	} ay	Mr. Read,	ay	} ay
Clark,	ay		Beresford,	ay	
Condiet,	ay				
<i>Pennsylvania,</i>					
Mr. Montgomery,	no	} div.			
Peters,	ay				

So it was resolved in the affirmative.

The order of the day being to consider the report of a committee on Indian affairs, was then called for, and the following paragraph being under debate:

"And whereas the legislature of the State of New York have granted lands at Onondaga and Cayuga, to certain officers and privates in the service of the United States, not only as bounties for recruiting and inlisting, but to appease the discontents, which prevailed for want of their pay, and as a reward for their meritorious services, the said commissioners are therefore further instructed to take care as far as will be consistent with the public peace, that in the establishment of the proposed lines, the said military grants be not prejudiced or impeached; but if it shall appear that the persisting in such grants and appropriations may so far irritate the Indians, as to expose these United States to the dangers and calamities of an Indian war; that then it will be proper for the commissioners to report the difficulties which shall so occur in their negotiation to the legislature of the State of New York; and in such case, it is earnestly recommended to the legislature of New York, to revise the laws by which such appropriations have been made, so as to prevent the calamities of a new rupture with the Indians."

A motion was made by Mr. [James] Duane, seconded by Mr. [Elbridge] Gerry, to strike out the said paragraph; and on the question, shall that paragraph stand? the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Foster,	no	} *	Mr. Duane,	no	} no
<i>Massachusetts,</i>			L'Homedieu,	no	
Mr. Gerry,	no	} no	<i>New Jersey,</i>		
Holten,	no		Mr. Boudinot,	no	} ay
<i>Rhode Island,</i>			Clark,	ay	
Mr. Ellery,	no	} no	Condict,	ay	
Howell,	no		<i>Pennsylvania,</i>		
<i>Connecticut,</i>			Mr. Montgomery,	ay	} div.
Mr. S. Huntington,	no	} no	Peters,	no	
B. Huntington,	no				

<i>Delaware,</i>			<i>North Carolina,</i>		
Mr. Bedford	no	} no	Mr. Hawkins,	no	} no
Tilton,	no		Williamson,	no	
<i>Maryland,</i>			<i>South Carolina,</i>		
Mr. Carroll,	no	} no	Mr. Read,	no	} no
McHenry,	no		Beresford,	no	
<i>Virginia,</i>					
Mr. Bland,	no	} no			
Lec,	no				
Mercer,	no				

So it passed in the negative, and the paragraph was struck out.

The following paragraph being under debate:

That the commissioners for the northern and western districts, or such other persons as may be appointed by Congress, shall be instructed to unite together in holding one convention with the Indians inhabiting the districts aforesaid, and their allies and dependents, for the purposes aforesaid, and only to yield to separate conventions in case of inevitable necessity:

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [Arthur] Lee, to amend by adding,

“Of which convention previous notice of at least one month shall be given by Congress, to the several States in the Union, from New Hampshire to Virginia inclusive, that such States as may conceive themselves interested, may, if they think proper, send commissioners to be present at the treaty negotiated with the Indians, for settling boundary lines by such persons as shall be appointed for that purpose by Congress.”

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Arthur] Lee,

<i>Massachusetts,</i>			<i>Connecticut,</i>		
Mr. Gerry,	ay	} ay	Mr. S. Huntington,	no	} div.
Holten,	ay		B. Huntington,	ay	
<i>Rhode Island,</i>			<i>New York,</i>		
Mr. Howell,	no	} *	Mr. Duane,	no	} no
			L'Hommedieu,	no	

<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Boudinot,	no	} no	Mr. Bland,	ay	} ay
Clark,	no		Lee,	ay	
Condict,	no		Mercer,	no	
<i>Pennsylvania,</i>			<i>North Carolina,</i>		
Mr. Montgomery,	no	} no	Mr. Hawkins,	no	} no
Peters,	no		Williamson,	no	
<i>Delaware,</i>			<i>South Carolina,</i>		
Mr. Bedford,	no	} no	Mr. Read,	no	} div.
Tilton,	no		Beresford,	ay	
<i>Maryland,</i>					
Mr. Carroll,	no	} no			
McHenry,	no				

So it passed in the negative.

The Committee [Mr. James McHenry, Mr. Richard Peters and Mr. Theodorick Bland] to whom were referred the report of the Secretary at War, respecting L^t Col. Fleury, beg leave to submit the following report viz.

That as Lieut. Col. Fleury retired under the resolution of the 31st December 1781, of course he is entitled to pay till that time and to the half pay or commutation and other emoluments allowed to officers continuing in the service to the end of the war, or deranged by Congress subsequent to the half pay establishment.¹

The Committee consisting of M^r [Abraham] Clark, M^r [Theodorick] Bland and M^r [James] McHenry to whom was referred the Memorial of Major Platt, report,

That the Paymaster General in settling the pay of Major Platt, allow the pay of Deputy Adjutant General for the times he did the duty of that Office in lieu of pay for any other Offices he filled at those times; and also the extra pay of Inspector in the Army for the time he did that duty.²

The Committee consisting of M^r [Samuel] Huntington, M^r [Elbridge] Gerry, and M^r [James] Duane, to whom were recommitted a report on the Commander in Chief's letter of the 19th of September 1783,

¹ This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 19, II, folio 291. The indorsement says that it was delivered this day, entered and read.

² This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, V, folio 191. The indorsement states that it was read this day. Richard Platt's memorial is in No. 41, VIII, folios 184-190, and the indorsement shows that it was read and referred, on September 29.

and a Report on the subject of the provisional articles of peace, submit the following Report:

That not having been able to discover the sense of Congress, whether a proclamation ought to be prepared for enjoining the observation of all the articles of the provisional Treaty for restoring peace, or a proclamation for the special purpose, enjoining the observation of the sixth article only—They have submitted a draught of a proclamation suitable to each case for the consideration of Congress.

The Report on the Commander in Chief's letter they beg leave to return without amendment.

A Proclamation for enforcing the Sixth Article of the Provisional Treaty for Restoring Peace.

BY THE UNITED STATES &C.

Whereas a Provisional Treaty for restoring peace was agreed to at Paris on the 30th of November '82 by and between Richard Oswald Esq. Commr. &c. and John Adams &c. by the 6th article whereof it is agreed and concluded in the words following—

(Insert the 6th Article.)

And whereas we the United States in Congress assembled by a certain act under our seal and dated 15th of April in the year '83 did ratify and confirm the said provisional Treaty. Now therefore, in order to restrain all acts which may hereafter prevent the due execution of the said Treaty on the part of the United States, and to give proofs of our firm determination inviolably to adhere to and fully comply with all and every of the Stipulations contained in the said provisional Treaty, whenever a definitive treaty shall be agreed and concluded on by and between these United States and the King of Great Britain and ratifications thereof duly made and exchanged, We the United States in Congress assembled do hereby strictly require and enjoin all Governors, Magistrates and other Citizens of these United States duly to observe and strictly to conform to the Stipulations contained in the said 6th Article afore recited.

Given under the seal of the United States.¹

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 25, II, folio 271. The draft of the proclamation, in the writing of James Madison, is on folio 279.

According to the entry in Committee Book No. 186, a letter from the Secretary at War, dated October 3, and enclosing a letter from Brigadier General Armand, relative to the promotion of some of his officers, and a letter from Captain De Bert, was read, and referred back to the Secretary at War to report. The Secretary's letter is in No. 149, III, folio 241, and the enclosures on folios 232-240.

SATURDAY, OCTOBER 4, 1783

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [James] Duane,

Resolved, That the Superintendant of finance be directed to suspend, until the further order of Congress, the sale of all such goods belonging to the United States as may be necessary for cloathing two thousand troops, and suitable for supplying the Indians at a proposed negotiation with them.

The committee of the week [Mr. James McHenry, Mr. Silas Condict and Mr. Elbridge Gerry] report that Lt. Andrew Lytle's memorial be read in Congress.¹

MONDAY, OCTOBER 6, 1783

On motion of Mr. [James] McHenry, seconded by Mr. [John Francis] Mercer,

Whereas William Langburn hath served from the commencement of the war in the army of the United States, with equal disinterestedness and reputation, ~~and hath sustained the office of aid de camp to Major General Marquis de Lafayette.~~

Resolved, That a brevet commission of lieutenant colonel be granted to the said William Langburn.

On motion of Mr. [James] Duane, seconded by Mr. [John Francis] Mercer,

Resolved, That the Commander in Chief be, and he is hereby authorised, if he shall think proper, to reward the

¹ This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 42, IV, folio 313. Lytle's memorial, dated Princeton, October 2, is on folio 310. The indorsement shows that it was referred to Mr. [Richard] Peters, Mr. [Hugh] Williamson and Mr. [Abraham] Clark. Committee Book, No. 186, states that they reported October 7, and Committee Book No. 191 that the report was acted upon, April 15, 1784.

On this day, as the indorsement states, was read a letter of October 2 from General Washington, enclosing a copy of a letter from Colonel Kosciuszko. It is in No. 152, XI, folio 499. It was referred to Mr. [Jacob] Read, Mr. [Richard] Peters and Mr. [James] Duane. The record in Committee Books No. 186 and No. 191 shows that a report was delivered October 9, and acted upon October 13.

diligence and fidelity of the twelve horsemen, who have acted as his guard at headquarters, by presenting them with their horses and accoutrements on their discharge.

The order of the day being called for and read, to take into consideration the propositions of several states, respecting a place for the permanent residence of Congress,

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Samuel] Holten,

That Congress resolve itself into a committee of the whole, to take into consideration the propositions of the several states from New York to Virginia inclusive, respecting a place for the permanent residence of Congress.

~~And on the question to agree to this, the yeas and nays being required by Mr. [Abiel] Foster,~~

New-Hampshire,			Delaware,		
Mr. Foster,	ay	}	Mr. Bedford,	no	}
Massachusetts,			Tilton,	no	
Mr. Gerry,	ay	}	Maryland,		
Holten,	ay		Mr. Carroll,	no	}
Rhode-Island,			McHenry,	no	
Mr. Ellery,	no	}	Virginia,		
Howell,	ay		Mr. Jones,	no	}
Connecticut,			Madison,	no	
Mr. S. Huntington,	ay	}	Bland,	no	
B. Huntington,	no		Lee,	no	
New-York,			Mercer,	ay	}
Mr. Duane,	no	}	North-Carolina,		
L'Hoummedieu,	no		Mr. Hawkins,	no	}
New-Jersey,			South-Carolina,		
Mr. Boudinot,	ay	}	Mr. Read,	no	}
Clark,	no				
Condict,	no				
Pennsylvania,					
Mr. Wilson,	ay	}			
Montgomery,	ay				
Peters,	no				

~~So it~~ Question put; passed in the negative.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Abiel] Foster, to postpone the order of the day, and on the question for postponing, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>				<i>Delaware,</i>			
Mr. Foster,	ay	}	*	Mr. Bedford,	no	}	no
<i>Massachusetts,</i>				Tilton,	no	}	
Mr. Gerry,	ay	}		<i>Maryland,</i>			
Holten,	ay	}	ay	Mr. Carroll,	no	}	no
<i>Rhode Island,</i>				McHenry,	no	}	
Mr. Ellery,	ay	}		<i>Virginia,</i>			
Howell,	ay	}	ay	Mr. Jones,	no	}	
<i>Connecticut,</i>				Madison,	no	}	
Mr. S. Huntington,	no	}		Bland,	no	}	no
B. Huntington,	no	}	no	Lee,	no	}	
<i>New York,</i>				Mercer,	no	}	
Mr. Duane,	no	}		<i>North Carolina,</i>			
L'Hommedieu,	no	}	no	Mr. Hawkins,	no	}	no
<i>New Jersey,</i>				Williamson,	no	}	
Mr. Boudinot,	no	}		<i>South Carolina,</i>			
Clark,	no	}	no	Mr. Read,	no	}	*
Condict,	no	}					
<i>Pennsylvania,</i>							
Mr. Wilson,	no	}					
Montgomery,	no	}	no				
Peters,	no	}					

~~On motion of Mr. [Arthur] Lee, seconded by Mr. [Theoderick] Bland,~~

~~Resolved, That the question be taken in which State the residence of Congress shall be, beginning with New Hamp~~

So it passed in the negative.

A motion being before the house it was moved by Mr. [David] Howell, seconded by Mr. [William] Ellery,

That the order of the day with the motion, be postponed till the last Monday in this month: and on the question for postponing, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	ay	}	Mr. Bedford,	no	}
<i>Massachusetts,</i>			Tilton,	no	
Mr. Gerry,	ay	}	<i>Maryland,</i>		
Holten,	ay		Mr. Carroll,	no	}
<i>Rhode Island,</i>			McHenry,	no	
Mr. Ellery,	ay	}	<i>Virginia,</i>		
Howell,	ay		Mr. Jones,	no	}
<i>Connecticut,</i>			Madison,	no	
Mr. S. Huntington,	no	}	Bland,	no	
B. Huntington,	no		Lee,	no	
<i>New York,</i>			Mercer,	no	
Mr. Duane,	no	}	<i>North Carolina,</i>		
L'Hommedieu,	no		Mr. Hawkins,	no	}
<i>New Jersey,</i>			Williamson,	no	
Mr. Boudinot,	no	}	<i>South Carolina,</i>		
Clark,	no		Mr. Read,	no	}
Condict,	no		Beresford,	no	
<i>Pennsylvania,</i>					
Mr. Wilson,	no	}			
Peters,	no				

So it passed in the negative.

On the question, *Resolved*, That the question be taken, in which State buildings shall be provided and erected for the residence of Congress; beginning with New Hampshire, and proceeding in the order in which they stand.

The question for New Hampshire, passed in the negative.

The question for Massachusetts, passed in the negative.

On the question for Rhode Island and Providence Plantations, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Foster,	no	}	Mr. S. Huntington,	no	}
<i>Massachusetts,</i>			B. Huntington,	no	
Mr. Gerry,	no	}	<i>New York,</i>		
Holten,	no		Mr. Duane,	no	}
<i>Rhode Island,</i>			L'Hommedieu,	no	
Mr. Ellery,	ay	}			
Howell,	ay				

<i>New Jersey,</i>			<i>Virginia,</i>			
Mr. Boudinot,	no	} no	Mr. Jones,	no	} no	
Clark,	no		Madison,	no		
Condict,	no		Bland,	no		
<i>Pennsylvania,</i>			Lee,	no		
Mr. Wilson,	no	} no	Mercer,	no	} no	
Montgomery,	no		<i>North Carolina,</i>			
Peters,	no		Mr. Hawkins,	no		} no
<i>Delaware,</i>			Williamson,	no		
Mr. Bedford,	no	} no	<i>South Carolina,</i>		} no	
Tilton,	no		Mr. Read,	no		
<i>Maryland,</i>			Beresford,	no		
Mr. Carroll,	no	} no				
McHenry,	no					

So it passed in the negative.

The question for Connecticut, passed in the negative.

On the question to agree to New York, the yeas and nays being required by Mr. [James] Duane,

<i>New Hampshire,</i>			<i>Delaware,</i>			
Mr. Foster,	ay	} *	Mr. Bedford,	no	} no	
<i>Massachusetts,</i>			Tilton,	no		
Mr. Gerry,	no	} no	<i>Maryland,</i>			
Holten,	no		Mr. Carroll,	no	} no	
<i>Rhode Island,</i>		McHenry,	no			
Mr. Ellery,	ay	} div.	<i>Virginia,</i>			
Howell,	no		Mr. Jones,	no	} no	
<i>Connecticut,</i>		Madison,	no			
Mr. S. Huntington,	ay	} ay	Bland,	no		
B. Huntington,	ay		Lee,	no		
<i>New York,</i>			Mercer,	no		
Mr. Duane,	ay	} ay	<i>North Carolina,</i>			
L'Hommedieu,	ay		Mr. Hawkins,	no	} no	
<i>New Jersey,</i>		Williamson,	no			
Mr. Boudinot,	no	} no	<i>South Carolina,</i>			
Clark,	no		Mr. Read,	no	} no	
Condict,	no		Beresford,	no		
<i>Pennsylvania,</i>						
Mr. Wilson,	no	} no				
Montgomery,	no					
Peters,	no					

So it passed in the negative.

On the question to agree to New Jersey, the yeas and nays being required by Mr. [Elias] Boudinot,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	ay	}	Mr. Bedford,	no	}
<i>Massachusetts,</i>			Tilton,	no	
Mr. Gerry,	ay	}	<i>Maryland,</i>		
Holten,	ay		Mr. Carroll,	no	}
<i>Rhode Island,</i>			McHenry,	no	
Mr. Ellery,	ay	}	<i>Virginia,</i>		
Howell,	ay		Mr. Jones,	no	}
<i>Connecticut,</i>			Madison,	no	
Mr. S. Huntington,	ay	}	Bland,	no	
B. Huntington,	ay		Lee,	no	
<i>New York,</i>			Mercer,	no	
Mr. Duane,	no	}	<i>North Carolina,</i>		
L'Hommedieu,	no		Mr. Hawkins,	no	}
<i>New Jersey,</i>			Williamson,	no	
Mr. Boudinot,	ay	}	<i>South Carolina,</i>		
Clark,	ay		Mr. Read,	no	}
Condict,	ay		Beresford,	no	
<i>Pennsylvania,</i>					
Mr. Wilson,	no	}			
Montgomery,	no				
Peters,	no				

So it passed in the negative.

On the question for Pennsylvania, the yeas and nays being required by Mr. [James] Wilson,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Foster,	no	}	Mr. Boudinot,	no	}
<i>Massachusetts,</i>			Clark,	no	
Mr. Gerry,	no	}	Condict,	no	
Holten,	no		<i>Pennsylvania,</i>		
<i>Rhode Island,</i>			Mr. Wilson,	ay	}
Mr. Ellery,	no	}	Montgomery,	ay	
Howell,	no		Peters,	ay	
<i>Connecticut,</i>			<i>Delaware,</i>		
Mr. S. Huntington,	no	}	Mr. Bedford,	no	}
B. Huntington,	no		Tilton,	no	
<i>New York,</i>			<i>Maryland,</i>		
Mr. Duane,	no	}	Mr. Carroll,	no	}
L'Hommedieu,	no		McHenry,	no	

<i>Virginia,</i>				<i>North Carolina,</i>			
Mr. Jones,	no	}	no	Mr. Hawkins,	no	}	no
Madison,	no			Williamson,	no		
Bland,	no			<i>South Carolina,</i>			
Lee,	no			Mr. Read,	ay	}	div.
Mercer,	no			Beresford,	no		

So it passed in the negative.

On the question for Delaware, the yeas and nays being required by Mr. [Gunning] Bedford,

<i>New Hampshire,</i>				<i>Delaware,</i>			
Mr. Foster,	no	}	*	Mr. Bedford,	ay	}	ay
<i>Massachusetts,</i>				Tilton,	ay		
Mr. Gerry,	no	}	no	<i>Maryland,</i>			
Holten,	no			Mr. Carroll,	no		
<i>Rhode Island,</i>				McHenry,	ay		
Mr. Ellery,	ay	}	div.	<i>Virginia,</i>		}	no
Howell,	no			Mr. Jones,	no		
<i>Connecticut,</i>		Madison,	no				
Mr. S. Huntington,	no	Bland,	no				
B. Huntington,	no	Lee,	no				
<i>New York,</i>		Mercer,	no				
Mr. Duane,	no	}	no	<i>North Carolina,</i>		}	no
L'Hommedieu,	no			Mr. Hawkins,	no		
<i>New Jersey,</i>				Williamson,	no		
Mr. Boudinot,	no	}	no	<i>South Carolina,</i>		}	div.
Clark,	no			Mr. Read,	no		
Condict,	no			Beresford,	ay		
<i>Pennsylvania,</i>							
Mr. Wilson,	no	}	no			}	no
Montgomery,	ay						
Peters,	no						

So it passed in the negative.

On the question for Maryland, the yeas and nays being required by Mr. [Daniel] Carroll,

<i>New Hampshire,</i>			<i>Rhode Island,</i>		
Mr. Foster,	no	} *	Mr. Ellery,	no	} no
<i>Massachusetts,</i>			Howell,	no	
Mr. Gerry,	no	} no	<i>Connecticut,</i>		
Holten,	no		Mr. S. Huntington,	no	} no
		B. Huntington,	no		

<i>New York,</i>			<i>Maryland,</i>		
Mr. Duane,	no	} no	Mr. Carroll,	ay	} ay
L'Hommedieu,	no		McHenry,	ay	
<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Boudinot,	no	} no	Mr. Jones,	ay	} ay
Clark,	no		Madison,	ay	
Condict,	no		Bland,	no	
<i>Pennsylvania,</i>			Lee,	ay	
Mr. Wilson,	no	} no	Mercer,	ay	} ay
Montgomery,	no		<i>North Carolina,</i>		
Peters,	no		Mr. Hawkins,	ay	
<i>Delaware,</i>			Williamson,	ay	
Mr. Bedford	no	} no	<i>South Carolina,</i>		
Tilton,	no		Mr. Read,	ay	} ay
			Beresford,	ay	

So it passed in the negative.

On the question for Virginia, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	no	} *	Mr. Bedford,	no	} no
<i>Massachusetts,</i>			Tilton,	no	
Mr. Gerry,	ay	} div.	<i>Maryland,</i>		
Holten,	no		Mr. Carroll,	no	} no
<i>Rhode Island,</i>			McHenry,	no	
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no		Mr. Jones,	ay	} ay
<i>Connecticut,</i>			Madison,	ay	
Mr. S. Huntington,	no	} no	Bland,	ay	
B. Huntington,	no		Lee,	ay	
<i>New York,</i>			Mercer,	ay	} no
Mr. Duane,	no	} no	<i>North Carolina,</i>		
L'Hommedieu,	no		Mr. Hawkins,	no	
<i>New Jersey,</i>			Williamson,	no	
Mr. Boudinot,	no	} no	<i>South Carolina,</i>		
Clark,	no		Mr. Read,	ay	} div.
Condict,	no		Beresford,	no	
<i>Pennsylvania,</i>					
Mr. Wilson,	no	} no			
Montgomery,	no				
Peters,	no				

So it passed in the negative.

The question for North Carolina, passed in the negative.

The question for South Carolina, passed in the negative.

The question for Georgia, passed in the negative.

Resolved, That the fixing on a place for providing and erecting buildings for the residence of Congress, be an order of the day for the morrow.

TUESDAY, OCTOBER 7, 1783

A deputation from the yearly meeting of the people called Quakers, held in Philadelphia, for Pensylvania, New Jersey and Delaware, and the western parts of Maryland and Virginia, having signified to the President their desire of presenting an address to Congress:

Resolved, That the President inform them that Congress will receive their address to-morrow at 12 o'clock.

The order of the day being called for,

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. ~~Bland~~ [David] Howell,

That buildings for the use of Congress be erected on the banks of the Delaware, near Trenton, or of Potomac, near George-Town, provided a suitable district can be procured on one of the rivers as aforesaid, for a federal town, and that the right of soil and an exclusive or such other jurisdiction as Congress may direct, shall be vested in the United States.

A motion was made by Mr. [Gunning] Bedford, seconded by Mr. [James] Wilson, to strike out the words, "near Trenton", and "near George-Town:" and on the question, shall those words stand? the yeas and nays being required by Mr. [Gunning] Bedford,

New Hampshire,

Mr. Foster, no } *

Massachusetts,

Mr. Gerry, ay }
Holten, no } ay
Osgood, ay }

Rhode Island,

Mr. Ellery, no } div.
Howell, ay }

Connecticut,

Mr. S. Huntington, ay }
B. Huntington, ay } ay

New York,

Mr. Duane, ay }
L'Hommedieu, ay } ay

New Jersey,

Mr. Boudinot, ay }
Clark, no } no
Condict, no }

<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Fitzsimmons,	no	} no	Mr. Jones,	ay	} ay
Wilson,	no		Madison,	ay	
Montgomery,	no		Bland,	ay	
Peters,	no		Lee,	no	
<i>Delaware,</i>			Mercer,	ay	
Mr. Bedford,	no	} no	<i>North Carolina,</i>		
Tilton,	no		Mr. Hawkins,	ay	} ay
<i>Maryland,</i>			Williamson,	ay	
Mr. Carroll,	no	} div.	<i>South Carolina,</i>		
McHenry,	ay		Mr. Read,	ay	} div.
			Beresford,	no	

So the question was lost, and the words were struck out.

A motion was then made by Mr. [James] Duane, seconded by Mr. [Samuel] Holten, to add "the Hudson": and on the question to agree to this amendment, the yeas and nays being required by Mr. [James] Duane,

<i>New Hampshire,</i>			<i>Delaware,</i>			
Mr. Foster,	ay	} *	Mr. Bedford,	no	} no	
<i>Massachusetts,</i>			Tilton,	no		
Mr. Gerry,	no	} no	<i>Maryland,</i>		} no	
Holten,	ay		Mr. Carroll,	no		
Osgood,	no		McHenry,	no		
<i>Rhode Island,</i>			<i>Virginia,</i>			
Mr. Ellery,	ay	} div.	Mr. Jones,	no	} no	
Howell,	no		Madison,	no		
<i>Connecticut,</i>		Bland,	no			
Mr. B. Huntington,	no	} *	Lee,	no		
<i>New York,</i>			Mercer,	no		
Mr. Duane,	ay	} ay	<i>North Carolina,</i>		} div.	
L'Hommedieu,	ay		Mr. Hawkins,	no		
<i>New Jersey,</i>			Williamson,	ay		
Mr. Boudinot,	ay	} no	<i>South Carolina,</i>		} no	
Clark,	no		Mr. Read,	no		
Condict,	no		Beresford,	no		
<i>Pennsylvania,</i>						
Mr. Fitzsimmons,	no	} no				
Wilson,	no					
Montgomery,	no					
Peters,	no					

So it passed in the negative.

The motion being then amended, so as to read: That buildings for the use of Congress be erected on or near the banks of the Delaware, or of the Potomac, provided a suitable district can be procured on one of the rivers as aforesaid, for a federal town; and that the right of soil, and an exclusive or such other jurisdiction as Congress may direct, shall be vested in the United States.

A motion was then made by Mr. [Daniel] Carroll, seconded by Mr. [James] McHenry, to postpone the motion before the house, in order to take into consideration the following resolve:

That Congress do, in behalf of the United States, accept the offer made by the legislature of the State of Maryland, by their act of _____ for the residence of Congress:

And on the question for postponing, the yeas and nays being required by Mr. [Daniel] Carroll,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	no	}	Mr. Bedford,	ay	} div.
<i>Massachusetts,</i>			Tilton,	no	
Mr. Gerry,	no	}	<i>Maryland,</i>		
Holten,	no		Mr. Carroll,	ay	} ay
Osgood,	no		McHenry,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	}	Mr. Jones,	no	} no
Howell,	no		Madison,	no	
<i>Connecticut,</i>			Bland,	no	
Mr. S. Huntington,	ay	}	Lee,	no	
B. Huntington,	no		Mercer,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	no	}	Mr. Hawkins,	no	} no
L'Hommiedieu,	no		Williamson,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	no	}	Mr. Read,	ay	} div.
Clark,	no		Beresford,	no	
Condict,	no				
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	no	}			
Wilson,	no				
Montgomery,	no				
Peters,	no				

So it passed in the negative.

On the question to agree to the motion as amended: resolved in the affirmative.

On the question, That buildings for the use of Congress be erected on or near the banks of the Delaware, the yeas and nays being required by Mr. [James] Wilson,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	ay	}	Mr. Bedford,	ay	}
<i>Massachusetts,</i>			Tilton,	ay	
Mr. Gerry,	no	}	<i>Maryland,</i>		}
Holten,	ay		Mr. Carroll,	no	
Osgood,	ay		McHenry,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	}	Mr. Jones,	no	}
Howell,	ay		Madison,	no	
<i>Connecticut,</i>			Bland,	no	
Mr. S. Huntington,	ay	}	Lee,	no	
B. Huntington,	ay		Mercer,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	ay	}	Mr. Hawkins,	no	}
L'Honmedieu,	ay		Williamson,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	}	Mr. Read,	no	}
Clark,	ay		Beresford,	no	
Condict,	ay				
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	ay	}			
Wilson,	ay				
Montgomery,	ay				
Peters,	ay				

So it was

Resolved, That buildings for the use of Congress be erected on or near the banks of the Delaware, provided a suitable district can be procured on or near the banks of the said river, for a federal town; and that the right of soil, and an exclusive or such other jurisdiction as Congress may direct, shall be vested in the United States.

A motion was then made by Mr. [Gunning] Bedford, seconded by Mr. [James] Tilton,

That the buildings for the use of Congress, be erected in the State of Delaware, near Wilmington: And on the question to agree to this, the yeas and nays being required by Mr. [Gunning] Bedford,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	no	}	Mr. Bedford,	ay	}
<i>Massachusetts,</i>			Tilton,	ay	
Mr. Gerry,	no	}	<i>Maryland,</i>		
Holten,	no		Mr. Carroll,	ay	}
Osgood,	no		McHenry,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	}	Mr. Jones,	no	}
Howell,	no		Madison,	no	
<i>Connecticut,</i>			Bland,	ay	
Mr. S. Huntington,	no	}	Lee,	no	
B. Huntington,	no		Mercer,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	no	}	Mr. Hawkins,	no	}
L'Homedieu,	no		Williamson,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	no	}	Mr. Read,	ay	}
Clark,	no		Beresford,	ay	
Condict,	no				
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	no	}			
Wilson,	no				
Peters,	no				

So it passed in the negative.

On motion,

Resolved, That the place on the Delaware for erecting buildings for the use of Congress, be near the falls.

Resolved, That a committee of five be appointed to repair to the falls of Delaware, to view the situation of the country in its neighbourhood, and report a proper district for carrying into effect the preceding resolution: the members, Mr. [El-

bridge] Gerry, Mr. S[amuel] Huntington, Mr. [Richard] Peters, Mr. [James] Duane, Mr. [Abraham] Clark.

Resolved, That it be an order of the day for to-morrow, to consider of the temporary residence of Congress.¹

WEDNESDAY, OCTOBER 8, 1783

A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Jacob] Read,

To re-consider the resolution of yesterday, by which the residence of Congress is to be fixed near the falls of Delaware, in order to fix on some other place that shall be more central, more favourable to the Union, and shall approach nearer to that justice which is due to the southern states. And on the question to re-consider the resolution of yesterday, by which the residence of Congress is to be fixed near the falls of Delaware, the yeas and nays being required by Mr. [Hugh] Williamson,

New Hampshire,

Mr. Foster, no } *

Massachusetts,

Mr. Gerry, no }
Holten, no } no
Osgood, no }

Rhode Island,

Mr. Ellery, no }
Howell, no } no

Connecticut,

Mr. S. Huntington, no }
B. Huntington, no } no

New York,

Mr. Duane, no }
L'Homedieu, no } no

New Jersey,

Mr. Boudinot, no }
Clark, no } no
Condict, no }

Pennsylvania,

Mr. Fitzsimmons, no }
Wilson, no } no
Montgomery, no }
Peters, no }

Delaware,

Mr. Bedford, ay }
Tilton, ay } ay

Maryland,

Mr. Carroll, ay }
McHenry, ay } ay

¹ On this day, as the indorsement indicates, was read a letter of October 4 from John Pierce, Paymaster General, and referred to Mr. [Abraham] Clark, Mr. [Richard] Peters and Mr. S[amuel] Huntington. It is in the *Papers of the Continental Congress*, No. 165, folio 677. According to Committee Books, No. 186 and No. 191, the committee reported November 1, and the report was acted upon November 3.

<i>Virginia,</i>			<i>North Carolina,</i>		
Mr. Jones,	ay	} ay	Mr. Hawkins,	ay	} ay
Madison,	ay		Williamson,	ay	
Lee,	ay		<i>South Carolina,</i>		
Mercer,	ay		Mr. Read,	ay	} ay
		Beresford,	ay		

So the question was lost.

The deputation from the yearly meeting of the people called Quakers, attended, and being admitted, delivered their address and withdrew.¹

The Committee consisting of Mr [Benjamin] Hawkins, Mr [William] Ellery and Mr [John Francis] Mercer to whom were referred the letter from the Superintendant of Finance of the 17th [24th] of September with the enclosures, respecting certain Indian boys at Princeton beg leave to Report.

That in order fully to understand the business to them referred they have carefully attended to the papers and other documents as well as the information of Colonel Morgan and it appears to your Committee that the Commissioners for Indian affairs for several years preceding 1779 repeatedly solicited the Indians to send some of their youth to be educated among us, promising at the same time, that the greatest attention should be paid to them: In consequence whereof in that year some of the Indians came down to Congress and brought three boys Thomas Killbuck, John Killbuck and George M White Eyes of the Delaware Tribe and left them with Colonel Morgan, who has particularly attended to them.

That from the information of Colonel Morgan it further appears that the Indians at the time they brought the three boys to be educated among us promised Congress, if the United States should be successful in their contest with Great Britain, that they the Delawares would cede a portion of their country to the United States as a compensation for the expence they already had or should incur on their and their childrens account.

That Thomas Killbuck who is about 19 years of age is desirous of returning to his country. That he has not paid that attention to advice and instruction as the others have and he ought to have done,

¹ This address, dated October 4, and praying for the suppression of the slave trade, is in the *Papers of the Continental Congress*, No. 43, folios 337-342. The indorsement shows that it was delivered this day, and, on December 18, referred to Mr. [David] Howell, Mr. [Arthur] Lee and Mr. [Samuel] Osgood. According to the record in Committee Books No. 186 and No. 191, a report was delivered January 7, 1784, and on January 8, "Question taken and lost."

and it is probable he could not now be reclaimed. That he has obtained some knowledge of the trade of a blacksmith: and that if he could be prevailed on to live one year with an attentive Blacksmith it might be of advantage to him and perhaps some of his nation.

That John Killbuck who is studious is now studying Geography and the Mathematics and is very desirous to acquire sufficient knowledge to become a merchant in his own country and Colonel Morgan supposes that in nine or twelve months at most he will be able to accomplish his wishes. That an additional expence must be incurred on his account as he is about to intermarry with a young woman whose situation requires some immediate provision.

That George M White Eyes is about twelve years old and that he and John are reading Caesars commentaries and are both very comfortably accommodated at Colonel Morgans.

Upon the whole your Committee are of opinion that in the present situation of affairs with the Indians it would be impolitic to send these youths back to their country. That such immediate provision should be made as the situation of the young woman with whom the said John may intermarry requires and that Thomas if he can be prevailed on should for one year be put apprentice to some skillful attentive blacksmith, and therefore your committee submit the following resolution:

That Colonel George Morgan be impowered and requested to continue the care and direction of Thomas Killbuck, John Killbuck and George M. White Eyes for one year: To make such necessary provision for the accommodation of the young woman with whom the said John is about to intermarry as her situation may demand: and to place the said Thomas an apprentice for one year with some skillful attentive blacksmith: and that the Superintendent of Finance take order for furnishing Colonel Morgan with money necessary to carry the views of Congress in this respect into effect.¹

[THURSDAY, OCTOBER 9, 1783]

The Committee [Mr. Thomas FitzSimons, Mr. James Duane and Mr. Arthur Lee] to whom was referred the Report of a Committee on the letters of the Ministers in Europo for the purpose of preparing an address to the States, submit the following:

¹ This report, in the writing of Benjamin Hawkins, is in the *Papers of the Continental Congress*, No. 19, IV, folio 137. According to the indorsement, it was delivered October 8, entered and read.

The situation and prospect of public affairs, render it highly proper to give information to the states, and to call forth their attention to the General Interest; from the different articles of intelligence which have come to Congress they are led to believe that many Sovereign powers (particularly since the late peace) have turned their eyes to the Commerce and affairs of these United States. The establishment of our Independance has formed a new and important era in the political system, ~~and it is but reasonable to suppose that our circumstances and our policy will henceforth become a serious object of their attention.~~

According to the different views of the different powers, the conduct which they maintain towards us may be varied, their respective interests are in some things different and where that is not the case a difference in opinion as to those interests will necessarily influence their determinations.

Altho' it might in general be considered as most wise for them to aid our progress in the acquisition of wealth, seeing that by such means their own Commerce with us would become more lucrative, extensive and secure, yet it is not uncommon for those who manage the affairs of nations, to pursue a course inconsistent with the prosperity of the people subjected to their authority; political interests sometimes really differ from those of Commerce, and in many cases, they appear to differ, where they are the same. If, therefore, our national prosperity can be placed on no other basis than the varying conduct which a conception of their own advantage shall dictate to others, we cannot form a national hope that it will be of long continuance. Even if we could be so weak as to foster such unfounded expectations, the period of their existence has already arrived; some of those powers with whom we must necessarily maintain a Political and commercial intercourse, appear to be jealous of our power and desirous of cramping our growth. The example we have set in the late glorious struggle for freedom is odious to some; the asylum we have opened for those who are oppressed is apprehended by others; the existence of a great naval power in the Western Hemisphere is particularly disagreeable to those who contend for exclusive empire on the seas. And tho' it is not yet possible to ascertain the system which may be adopted by each, and still less whether one general plan will be pursued by all, yet the late conduct of Great Britain will demand a very serious attention. It may well be presumed that her regulations with respect to the Commerce between these states and her Islands, have not been hazarded without reflection. It is

not improbable that it may be grounded in the expectation that similar steps will be taken by other powers who have considerable possessions in that quarter of the globe. She may perhaps conceive that the present is a favorable moment to destroy the foundation of our naval greatness; that we have no longer an union of temper and sentiment to resist the efforts which are levelled at our destruction; that the sensibility is lost which formerly communicated thro' all America, the impulse given to her remotest extremities, and it may perhaps be conceived that by divisions among ourselves, we shall be reduced to the contemptible situation of those little states in Europe who are daily sacrificed to the ambitious or capricious Policy of more powerful nations.

Whatever may be the motives which instigate her, this at least is certain, that if other powers shall impose similar restrictions, the effects will be severely felt in the navigation and Commerce of the United States. That such effects will not be equally sensible to every state is highly probable, for no one act can equally apply, where the circumstances are so various; but more or less all must be affected, and if only [one] were to suffer and if that one were the least important member of our union it would be not the less an interest and a duty of all to seek the most effectual modes of obtaining relief.

The legislatures will naturally consider how far the several nations of the earth may by their regulations advance or obstruct its growth and happiness; the means which may be employed to obtain and to secure useful privileges will also come into their contemplation. How far political considerations may lead foreign powers to listen to our applications must depend on a great variety of circumstances; the relative state of our force or imbecility, their own actual or probable need of our friendship, as well as the fear of our resentments, may each have an influence. The several states being sovereign and independant possess the power of acting as may to them seem best, Congress will not attempt to point out the path which should be pursued. If there be any one mode by which joint efforts and exertions can be made that mode will naturally suggest itself to the good sense of America; but if it be conceived that the states can attain to greater felicity by pursuing a different course, there can be no doubt but the advocates for disunion may find immediate and effectual support among those who are desirous of reducing the wealth, power and importance of America.

Congress conceiving it their duty to communicate intelligence interesting to the states, annex to their address extracts from the letters lately transmitted by their Foreign ministers and to which they refer, not doubting but that the several legislatures as well as the people whom they represent will adopt such measures as shall appear most conducive to the general welfare.¹

The Committee consisting of Mr [Benjamin] Hawkins, Mr [David] Howell and Mr [Richard] Peters to whom were referred the memorial of Stephen Conte, beg leave to report,

That the Secretary be directed to acknowledge the receipt of the memorialist's application and inform him that Congress can not take partial measures for the relief of any of the public creditors, and therefore they must leave the memorialist to share in the effect of their endeavours to do equal justice to all to whom the United States are indebted.²

FRIDAY, OCTOBER 10, 1783

The order of the day being called for,

A motion was made by Mr. [Gunning] Bedford, seconded by Mr. [John Francis] Mercer,

¹ This report, in the writing of Thomas FitzSimons, is in the *Papers of the Continental Congress*, No. 24, folios 167-173. The indorsement shows that it was delivered October 9, 1783, entered and read; and on January 26, 1784, referred to Mr. [Arthur] Lee, Mr. [Elbridge] Gerry and Mr. [Jacob] Read. According to the record in Committee Book No. 186, other papers relating to commerce were referred to the same committee, which was renewed February 6, and enlarged by the addition of Mr. [Hugh] Williamson and Mr. [Jeremiah Townley] Chase. On April 14, Mr. [Thomas] Jefferson was added, in place of Lee, and a report was delivered April 22.

² This report, in the writing of Benjamin Hawkins, is in the *Papers of the Continental Congress*, No. 19, I, folio 597. The indorsement says it was delivered this day, read and filed.

On this day, as the indorsement states, was read a letter of October 7 from General Washington, enclosing a copy of a letter of October 3, from Sir Guy Carleton, respecting the evacuation of Penobscot. It is in No. 152, XI, folio 507.

Also, a letter of October 7 from Major General Greene, respecting Colonel Mentges. It is in No. 155, II, folio 639. It was referred to Mr. [William] Ellery, Mr. [James] Madison and Mr. [James] Duane. According to the record in Committee Books No. 186 and No. 191, a report was delivered November 1, which, on January 6, 1784, was recommitted to Mr. [William] Ellery, Mr. [Arthur] Lee and Mr. [Richard Dobbs] Spaight. This committee delivered a report January 16, which was debated April 6, and acted upon, April 15.

That for the more convenient transaction of the business of the United States, and accommodation of Congress, it is expedient for them to adjourn from their present residence; ~~on Friday the 17 instant, on which the yeas and nays being required by Mr. Bedford,~~
Whereupon,

It was moved by Mr. [Elbridge] Gerry, and seconded by Mr. [Samuel] Holten, to strike out the words, "transaction of the business of the United States, and": and on the question, shall the words stand? the yeas and nays being required by Mr. [Jacob] Read,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	no	}	Mr. Bedford,	ay	} ay
<i>Massachusetts,</i>			Tilton,	ay	
Mr. Gerry,	no	}	<i>Maryland,</i>		
Holten,	no		Mr. Carroll,	ay	} ay
Osgood,	no		McHenry,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	}	Mr. Madison,	ay	} ay
Howell,	no		Lee,	no	
<i>Connecticut,</i>			Mercer,	ay	
Mr. S. Huntington,	no	}	<i>North Carolina,</i>		
B. Huntington,	no		Mr. Hawkins,	ay	} ay
<i>New York,</i>			Williamson,	ay	
Mr. Duane,	ay	}	<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Read,	ay	} ay
<i>New Jersey,</i>			Beresford,	ay	
Mr. Boudinot,	ay	}			
Condict,	no				
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	ay	}			
Wilson,	ay				
Montgomery,	ay				
Peters,	ay				

So it was resolved in the affirmative.

On the question to agree to the main question, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Foster,	no	} *	Mr. Bedford,	ay	} ay
<i>Massachusetts,</i>			Tilton,	ay	
Mr. Gerry,	no	} no	<i>Maryland,</i>		
Holten,	no		Mr. Carroll,	ay	} ay
Osgood,	no		McHenry,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	} no	Mr. Madison,	ay	} ay
Howell,	no		Lee,	ay	
<i>Connecticut,</i>			Mercer,	ay	
Mr. S. Huntington,	no	} no	<i>North Carolina,</i>		
B. Huntington,	no		Mr. Hawkins,	ay	} ay
<i>New York,</i>			Williamson,	ay	
Mr. Duane,	ay	} ay	<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Read,	ay	} ay
<i>New Jersey,</i>			Beresford,	ay	
Mr. Boudinot,	ay	} ay			
Clark,	ay				
Condict,	no				
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	ay	} ay			
Wilson,	ay				
Montgomery,	ay				
Peters,	ay				

So it was resolved in the affirmative.

A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [Richard] Peters,

That on the last Thursday in this month, the President shall adjourn Congress to meet at Philadelphia on the next Saturday, there to sit for the despatch of public business, till the first Monday in June next; at which time, the President is hereby empowered and directed to adjourn Congress to meet at Trenton, on the Wednesday following.

It was thereupon moved by Mr. [James] Duane, seconded by Mr. [David] Howell, to strike out "Philadelphia", together with the words "till the first Monday, &c." to the end; and in lieu of Philadelphia struck out, to insert "Trenton":

And on the question to agree to this amendment, the yeas and nays being required by Mr. [James] Duane,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} ay	Mr. Fitzsimmons,	no	} no
<i>Massachusetts,</i>			Wilson,	no	
Mr. Gerry,	ay		Montgomery,	no	
Holten,	ay		Peters,	no	
Osgood,	ay		<i>Delaware,</i>		
<i>Rhode Island,</i>			Mr. Bedford,	no	} no
Mr. Ellery,	ay	} ay	Tilton,	no	
Howell,	ay		<i>Maryland,</i>		
<i>Connecticut,</i>			Mr. Carroll,	no	} no
Mr. S. Huntington,	ay	} ay	McHenry,	no	
B. Huntington,	ay		<i>Virginia,</i>		
<i>New York,</i>			Mr. Madison,	no	} no
Mr. Duane,	ay	} ay	Mercer,	no	
L'Homedieu,	ay		<i>North Carolina,</i>		
<i>New Jersey,</i>			Mr. Hawkins,	no	} no
Mr. Boudinot,	ay	} ay	Williamson,	no	
Clark,	ay		<i>South Carolina,</i>		
Condict,	ay		Mr. Read,	no	} no
			Beresford	no	

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. [Jacob] Read,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Foster,	no	} no	Mr. Duane,	ay	} ay
<i>Massachusetts,</i>			L'Homedieu,	ay	
Mr. Gerry,	no		<i>New Jersey,</i>		
Holten,	no		Mr. Boudinot,	ay	} no
Osgood,	no		Clark,	no	
<i>Rhode Island,</i>			Condict,	no	
Mr. Ellery,	no	} no	<i>Pennsylvania,</i>		
Howell,	no		Mr. Fitzsimmons,	ay	} ay
<i>Connecticut,</i>			Wilson,	ay	
Mr. S. Huntington,	no	} no	Montgomery,	ay	
B. Huntington,	no		Peters,	ay	

<i>Delaware,</i>			<i>North Carolina,</i>		
Mr. Bedford,	ay	} ay	Mr. Hawkins,	ay	} ay
Tilton,	ay		Williamson,	ay	
<i>Maryland,</i>			<i>South Carolina,</i>		
Mr. Carroll,	ay	} div.	Mr. Read,	ay	} div.
McHenry,	no		Beresford,	no	
<i>Virginia,</i>					
Mr. Madison,	ay	} ay			
Mercer,	ay				

So the question was lost.

The committee, consisting of Mr. S[amuel] Huntington, Mr. [Elbridge] Gerry and Mr. [James] Duane, to whom were referred the letters from General Du Portail, relating to himself and the other Engineers of the Royal Corps, in the service of his Most Christian Majesty, report,

That Major General Du Portail, Brigadier General Laumoy, and Colonel Gouvion, were permitted by his Most Christian Majesty to serve in the army of the United States ~~at an early period of the war and further suppose~~ for this purpose furloughs were granted to them by the king of France, from time to time, and it appears that from a desire to give a repeated manifestation of his affection for attachment to the United States, the services of these Engineers were considered equally entitling them to the favour of their sovereign, as if they had been performed in the armies of France.

That these Gentlemen have distinguished themselves in their profession, during their service in America, as active, intelligent, and useful officers, and considering that they entered our service with the particular approbation and consent of their Sovereign, it appears to your committee that it will be expedient to grant them some peculiar testimonies of the sense Congress entertain of their services, as well as to expedite their return to the Corps to which they are attached in France; Whereupon,

Resolved, That Major General Du Portail, Brigadier General Laumoy and Colonel Gouvion, who have served with dis-

tinguished merit in the Department of Engineers, have leave to retire from the service of the United States, their affairs requiring their presence in Europe, and ~~however desirous Congress might be of their continuing in service no arrangements in which they can be employed having been yet completed~~ no arrangements having yet been made by which Congress might employ the abilities of those gentlemen, however desirous they might be of their services.

Resolved, That the Secretary at War express to the Minister Plenipotentiary of his Most Christian Majesty in America, the high sense Congress entertain of the zeal, abilities and conduct of these officers during their service in the Army of the United States, to the end that the said Minister may convey to his Court, the approbation of Congress of their distinguished merit.

Resolved, That the Superintendant of finance cause the accounts of Major General Du Portail, Brigadier General Laumoy and Colonel Gouvion, to be immediately adjusted, and advance to them respectively, such sums as the state of the public finances will, in his opinion, admit, giving them certificates on interest for the balances which may be found due to them.¹

SATURDAY, OCTOBER 11, 1783

The committee, consisting of Mr. [John] Rutledge, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Alexander] Hamilton and Mr. [Theodorick] Bland, appointed pursuant to the act of 17 June, 1781, to enquire fully into the proceedings of the department of war, reported the result of their enquiries.

The order of the day being called for, a motion was made by Mr. [William] Ellery, seconded by Mr. [Samuel] Holten,

¹ This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 19, 11, folio 167. It was entered in the Public Journal by Henry Remsen, Jun. It was also entered in the manuscript Secret Journal, Foreign Affairs.

Duportail's letter, of October 6, is in No. 78, VIII, folio 31.

That the President of Congress be, and he is hereby authorised and directed to adjourn Congress on the 22, to meet at Annapolis, in the State of Maryland, on the 31 of October instant, there to sit for the despatch of public business, till the first Monday in June next, at which time the President is hereby empowered and directed to adjourn Congress to meet at Trenton on the Wednesday following.

A motion was made by Mr. [David] Howell, seconded by [James] McHenry, to strike out the words, "there to sit for the despatch of public business, &c." to the end.

And on the question, shall the words moved to be struck out stand? the yeas and nays being required by Mr. ~~Howell~~ [Daniel] Carroll,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Gerry,	ay	} ay	Mr. Bedford,	ay	} div.
Holten,	ay		Tilton,	no	
Osgood,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Carroll,	no	} no
Mr. Ellery,	ay	} div.	McHenry,	no	
Howell,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Madison,	ay	} no
Mr. S. Huntington,	ay	} ay	Lee,	no	
B. Huntington,	ay		Mercer,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	ay	} ay	Mr. Hawkins,	no	} no
L'Hommedieu,	ay		Williamson,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	} ay	Mr. Read,	ay	} div.
Clark,	ay		Beresford,	no	
Condict,	ay				
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	ay	} ay			
Wilson,	ay				
Montgomery,	ay				
Peters,	ay				

So the question was lost, and the words were struck out.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [Samuel] Holten, to add to the motion as amended, the following words: "for the place of their temporary residence":

And on the question to agree to this amendment, the yeas and nays being required by Mr. ~~Madison~~ [John Francis] Mercer,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Gerry,	ay	} ay	Mr. Bedford,	ay	} ay
Holten,	ay		Tilton,	ay	
Osgood,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Carroll,	ay	} ay
Mr. Ellery,	ay	} ay	McHenry,	ay	
Howell,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Madison,	ay	} ay
Mr. S. Huntington,	ay	} ay	Lee,	ay	
B. Huntington,	ay		Mercer,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	ay	} ay	Mr. Hawkins,	ay	} div.
L'Hommedieu,	ay		Williamson,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	} ay	Mr. Read,	ay	} div.
Clark,	ay		Beresford,	no	
Condict,	ay				
<i>Pennsylvania,</i>					
Mr. Fitzsimmons,	ay	} ay			
Wilson,	ay				
Montgomery,	ay				
Peters,	ay				

So it was resolved in the affirmative.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. [Daniel] Carroll,

<i>Massachusetts,</i>			<i>Connecticut,</i>		
Mr. Gerry,	ay	} ay	Mr. S. Huntington,	ay	} ay
Holten,	ay		B. Huntington,	ay	
Osgood,	ay		<i>New York,</i>		
<i>Rhode Island,</i>			Mr. Duane,	no	} no
Mr. Ellery,	ay	} ay	L'Homedieu,	no	
Howell,	ay				

<i>New Jersey,</i>			<i>Maryland,</i>		
Mr. Boudinot,	no	} no	Mr. Carroll,	ay	} ay
Clark,	no		McHenry,	ay	
Condict,	no		<i>Virginia,</i>		
<i>Pennsylvania,</i>			Mr. Madison,	no	} no
Mr. Fitzsimmons,	no	} no	Lee,	ay	
Wilson,	no		Mercer,	no	
Montgomery,	no		<i>North Carolina,</i>		
Peters,	no		Mr. Hawkins,	ay	} ay
<i>Delaware,</i>			Williamson,	ay	
Mr. Bedford,	ay	} ay	<i>South Carolina,</i>		
Tilton,	ay		Mr. Read,	no	} div.
			Beresford,	ay	

So the question was lost.¹

MONDAY, OCTOBER 13, 1783

On motion of ~~Mr. McHenry~~, seconded by Mr. [John] Montgomery, seconded by Mr. [Richard] Peters,

Resolved, That the Secretary at War issue to Lieutenant Colonel Ternant the brevet commission of colonel.

On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Hugh] Williamson and Mr. [Abraham] Clark,

The Committee consisting of Mr [Elbridge] Gerry, Mr [Hugh] Williamson and Mr [Abraham] Clark to whom were referred the proceedings of the Legislaturo of New Hampshire on a Petition of Ebenezer Greene, submit the following Report,

¹ The two votes were entered in the Journal by Henry Remsen, Jun.

On this day, according to the indorsement, was read a memorial of Gustavus Conyngham, undated. It was referred to Mr. [Arthur] Lee, Mr. [Hugh] Williamson and Mr. [William] Ellery. It is in the *Papers of the Continental Congress*, No. 41, II, folio 152. The record in Committee Books No. 186 and No. 191 shows that a report was delivered November 1, 1783, and acted upon, January 5, 1784.

Also a memorial, dated Philadelphia, October 4, of Jan Hendrick Christian Heinenken, respecting the ship *Minerva* was read. It is in No. 41, IV, folio 199, and was referred to Mr. [Elbridge] Gerry, ~~Mr. Duane~~, Mr. [Arthur] Lee and Mr. [Jeremiah Townley] Chase, Chase being added in Duane's place on December 18. According to the record in Committee Books No. 186 and No. 191, a report was delivered January 3, 1784, and acted on, January 8.

Also a petition of John Hall, dated Philadelphia, September 16, was read and referred to Mr. [Abraham] Clark, Mr. [Richard] Peters and Mr. S[amuel] Huntington. It is in No. 41, IV, folio 216.

Ordered, That the Superintendant of finance and Secretary at War, give orders for transmitting to the legislature of the State of New Hampshire, an account of the sums, that by the books or documents in their respective offices shall appear to have been advanced in money, cloathing or other articles, to Ebenezer Greene, one of the hostages of the American troops, taken at the Cedars; and that the date of his exchange be also transmitted by the Secretary at War, in order that the legislature may adjust the accounts of the said Ebenezer Greene with the United States, and discharge any balance that may be due thereon.¹

On the report of a committee, consisting of Mr. [Jacob] Read, Mr. [Richard] Peters and Mr. [James] Duane, to whom were referred a letter of 2 October from the Commander in Chief, and a letter of August 8, from the Secretary at War, together with a letter from Colonel Kosciusko,

That the vote of the 30th day of September last past has already effected the promotion of Col. Kosciusko to the Rank of Brigadier General; nothing further on that subject can with propriety be done at this time; but as your Committee are deeply impressed with the ~~great~~ merit and ~~beneficial~~ services of that officer, they submit the following Resolve:

Resolved, That the Secretary at War transmit to Colonel Kosciusko the brevet commission of brigadier general; and signify to that officer, that Congress entertain an high sense of his long, faithful and meritorious services.²

A report from the Secretary at War, on the case of Captain Goodale, being read, a motion was made by Mr. [Samuel] Holten, seconded by Mr. [James] McHenry,

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, II, folio 519. The proceedings of the legislature, dated June 20, 1783, are on folio 523. According to the indorsements, and to the record in Committee Book No. 186, the committee was appointed September 22, and delivered their report September 23.

² This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, III, folio 401.

WAR OFFICE Oct. 2^d 1783.

SIR,

On the memorial of Capt. Goodale referred to me, I beg leave to observe that I am happy in being able, having served in the year 1777 in the same army with him, to add my testimony of his interesting services to those which are before Congress and to assure them that the bravery and zeal of Captain Goodale has been such as to engage the attention and applause of those under whom he has served.

The provision of yesterday not relieving him, as he rests his claim to promotion solely on the score of merit, the farther attention of Congress is requested to his services and sufferings.¹

Whereas it appears that Captain Goodale, lately promoted to the rank of major by brevet, has distinguished himself by extraordinary military services, the Secretary at War issue to Captain Goodale a major's commission in the line of the army.²

On the question to agree to this, the yeas and nays being required by Mr. [Samuel] Holten,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	} *	Mr. Montgomery,	no	} no
<i>Massachusetts,</i>			Peters,	no	} no
Mr. Gerry,	ay	} ay	<i>Delaware,</i>		
Holten,	ay		Mr. Tilton,	ay	} *
Osgood,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Carroll,	ay	} ay
Mr. Ellery,	no	} no	McHenry,	ay	
Howell,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Lee,	no	} no
Mr. S. Huntington,	no	} no	Mercer,	no	
B. Huntington,	no		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Williamson,	no	} *
Mr. L'Homedieu,	no	} *			
<i>New Jersey,</i>					
Mr. Boudinot,	no	} no			
Clark,	no				
Condict,	no				

This report is in the *Papers of the Continental Congress*, No. 149, III, folio 229.

² This motion, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 36, IV, folio 275. The vote is indorsed on the motion.

So the question was lost.

The order of the day being called for,

A motion was made by Mr. [John Francis] Mercer, seconded by Mr. [Arthur] Lee,

That Congress will, on the 15 instant adjourn to meet at the city of Williamsburg, in the State of Virginia, on the 30 instant, there to sit for the despatch of public business.

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to strike out the words, "there to sit for the despatch of public business", and in lieu thereof insert, "for the place of their temporary residence":

And on the question to agree to this amendment, the yeas and nays being required by Mr. [John Francis] Mercer,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Foster,	ay } *	Mr. Fitzsimmons,	ay }
<i>Massachusetts,</i>		Wilson,	ay }
Mr. Gerry,	ay }	Montgomery,	ay } ay
Holten,	ay }	Peters,	ay }
Osgood,	ay }	<i>Delaware,</i>	
<i>Rhode Island,</i>		Mr. Tilton,	ay } *
Mr. Ellery,	ay }	<i>Maryland,</i>	
Howell,	ay }	Mr. Carroll,	ay }
<i>Connecticut,</i>		McHenry,	ay } ay
Mr. S. Huntington,	ay }	<i>Virginia,</i>	
B. Huntington,	no } div.	Mr. Lee,	no }
<i>New York,</i>		Mercer,	no } no
Mr. Duane,	ay }	<i>North Carolina,</i>	
L'Homedieu,	ay }	Mr. Hawkins,	ay }
<i>New Jersey,</i>		Williamson,	no } div.
Mr. Boudinot,	ay }		
Clark,	no }		
Condict,	ay }		

So the question was lost.

On the question to agree to the main question, the yeas and nays being required by Mr. [John Francis] Mercer,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	}	Mr. Fitzsimmons,	no	}
<i>Massachusetts,</i>			Wilson,	no	
Mr. Gerry,	no	}	Montgomery,	no	
Holten,	no		Peters,	no	
Osgood,	no		<i>Delaware,</i>		
<i>Rhode Island,</i>			Mr. Tilton,	ay	}
Mr. Ellery,	no	}	<i>Maryland,</i>		
Howell,	ay		Mr. Carroll,	no	}
<i>Connecticut,</i>			McHenry,	no	
Mr. S. Huntington,	no	}	<i>Virginia,</i>		
B. Huntington,	no		Mr. Lee,	ay	}
<i>New York,</i>			Mercer,	ay	
Mr. Duane,	no	}	<i>North Carolina,</i>		
L'Hommedieu,	no		Mr. Hawkins,	no	}
<i>New Jersey,</i>			Williamson,	no	
Mr. Boudinot,	no	}			
Clark,	no				
Condict,	no				

So it passed in the negative.

The Committee of the Week [Mr. Jacob Read, Mr. John Francis Mercer and Mr. David Howell] report, That the memorial of Gustavus Conyngham be referred to the Agent of Marine and on the facts stated in the memorial being made appear,

Resolved, That he take order for carrying the prayer of the memorialist into effect.¹

[Mr. David Howell's motion, Oct. 13th 1783.]

Resolved, That the ~~heads~~ principals of Departments, to whom references may be made for their report thereon, be directed to make such reports as soon as may be and in case of ~~their delaying~~ they find it impracticable to make report ~~for more than~~ within one month, that they be directed to report to Congress the reasons ~~of such delay~~ thereof.²

¹ This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 32, folio 523.

² This motion, in the writing of David Howell, is in the *Papers of the Continental Congress*, No. 36, II, folio 261. According to the indorsement it was referred to Mr. [Abraham] Clark, Mr. [David] Howell and Mr. [Hugh] Williamson. Committee Book,

TUESDAY, OCTOBER 14, 1783

On motion of Mr. [Abraham] Clark, seconded by Mr. B[enjamin] Huntington,

Resolved, That in consideration of the services and sufferings of John Halstead, while employed in the service of the United States in Canada, the Superintendant of finance take order for paying him four hundred dollars, in part of his account.

Congress took into consideration the report of a committee, consisting of Mr. [James] Duane, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Benjamin] Hawkins and Mr. A[rthur] Lee, to whom was referred a number of letters and papers relative to Indian affairs, and the following paragraph being under debate, viz.

Your committee therefore submit it to consideration, whether it is not wise and necessary that a committee be appointed to report to Congress on the expediency of laying out a suitable district within the said territory, and of erecting it into a distinct government, as well for doing justice to the army of the United States, who are entitled to lands as a bounty, or in reward for their services, as for the accommodation of such as may incline to become purchasers and inhabitants, with instructions to such committee to devise a plan for the temporary government of the inhabitants and the due administration of justice, until their number and circumstances shall entitle them to a place among the states in the Union, when they shall be at liberty to form

No. 186, shows that the committee was renewed December 18, Mr. [James] McHenry replacing Clark, and this committee was discharged January 26, 1784.

On this day, according to the indorsement, a letter of the same date from Jedidiah Peck, Agent to Captain Post's Company of Artificers, praying for relief, was read. It is in No. 78, XVIII, folio 503.

Also, a letter, dated October 12, from the Secretary at War, respecting General Knox. It is in No. 19, III, folio 383.

On a date approximating this, a letter of September 7 from the Marquis de Lafayette was read. It is in No. 156, folio 356.

a constitution for themselves, not incompatible with the republican principles which are the basis of the constitutions of the respective states in the Union.

A motion was made by Mr. [Elbridge] Gerry, to amend the said paragraph, so that it may read as follows:

Your committee therefore submit it to consideration, whether it will not be wise and necessary, ~~when the State of Virginia shall close with the conditions of Congress in the cession of the Western Territory~~ as soon as circumstances shall permit, to erect a ~~part thereof~~ district of the western territory into a distinct government, as well for doing justice to the army of the United States, who are entitled to lands as a bounty, or in reward of their services, as for the accommodation of such as may incline to become purchasers and inhabitants, and in the interim to appoint a committee to report a plan, consistent with the principles of the Confederation, for connecting with the Union by a temporary government, the purchasers and inhabitants of the said district, until their number and circumstances shall entitle them to form a permanent constitution for themselves, and as citizens of a free, sovereign and independent State, to be admitted to a representation in the Union; [provided such constitution shall not be incompatible with the republican principles, which are the basis of the constitutions of the respective states in the Union.]¹

A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to postpone that amendment, in order to admit an amendment, to make the paragraph read as follows:

[Your committee recommend it as necessary and expedient, as soon as circumstances will admit, to lay out a suitable district within the said territory, and to erect it into a distinct government, as well for doing justice to the army of

¹ This motion, undated, in the writing of Elbridge Gerry, except the part in brackets, which is in the writing of Samuel Huntington, is in the *Papers of the Continental Congress*, No. 36, IV, folio 343. It was seconded by Samuel Holten.

the United States, who are entitled to lands as a bounty, or in reward of their services, as for the accommodation of such as may incline to become purchasers and inhabitants, and for this purpose, that a committee be appointed] to devise and report a plan for the government of the inhabitants and the due administration of justice, which, if agreeable to the settlers, shall be their temporary government until their number and circumstances shall entitle them to a place among the states in the Union, when they shall be at liberty to form a constitution [for themselves, not ~~inconsistent~~ incompatible with the republican principles, which are the basis of the constitutions of the respective states in the Union.]¹

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>			
Mr. Foster,	no	}	Mr. Fitzsimmons,	ay	}	
<i>Massachusetts,</i>			Wilson,	no		no
Mr. Gerry,	no	}	Peters,	no		
Holten,	no		<i>Delaware,</i>			
Osgood,	no		Mr. Tilton,	no	}	
<i>Rhode Island,</i>			<i>Maryland,</i>			
Mr. Ellery,	ay	}	Mr. Carroll,	ay	}	
Howell,	ay		McHenry,	ay		ay
<i>Connecticut,</i>			<i>Virginia,</i>			
Mr. S. Huntington,	ay	}	Mr. Madison,	no	}	
B. Huntington,	ay		Lee,	no		no
<i>New York,</i>			<i>North Carolina,</i>			
Mr. Duane,	no	}	Mr. Hawkins,	no	}	
L'Honmedieu,	no		Williamson,	no		no
<i>New Jersey,</i>			<i>South Carolina,</i>			
Mr. Boudinot,	no	}	Mr. Read,	no	}	
Clark,	no					
Condict,	no					

So it passed in the negative.

¹ This motion, undated, in the writing of James McHenry, except the part in brackets, which is in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, IV, folio 421. In the margin the names of McHenry and [Daniel] Carroll have been struck out and those of Howell and Ellery added.

On the question, Mr. [Elbridge] Gerry's amendment was agreed to.

The Committee [Mr. Richard Peters, Mr. James McHenry, and Mr. Theodorick Bland] to whom was referred the report of the Secretary at War and the papers accompanying the same relating to the Invalid Regiment report,

That it be recommended to the Legislatures of the respective States to take such measures in addition to those already taken or recommended and not exceeding in any case whole pay for life for the comfortable subsistence and support of such of the officers and soldiers of their respective lines as have been disabled in the service during the late War, as to those shall seem most adequate to their wants and circumstances; having regard to any examinations which have been or may be made by directions of the Commander in Chief or Secretary at War into the disabilities and situation of the said officers and soldiers respectively.¹

WAR OFFICE *Princeton 12 Octo. 1783.*

SIR,

On General Armand's letter referred to me by Congress I can only observe, that his request for the promotion of a number of officers of his corps is not founded on any particular claim those officers have to promotion which exceeds the claim of many others—but that a door has been opened to it by the promotion of many foreign officers who were leaving our service and are returning to Europe.

The same motives which induced the promotion of Captains Second and Depontiere, and Lieut. Beaulieu, will operate in favor of the gentlemen recommended by General Armand.²

WEDNESDAY, OCTOBER 15, 1783

The committee, consisting of Mr. [James] Duane, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Benjamin] Hawkins and Mr. A[rthur] Lee, to whom were referred sundry letters and papers relative to Indian affairs, report,

¹ This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 22, folio 243. The indorsement states that it was delivered this day, entered and read.

² This report is in the *Papers of the Continental Congress*, No. 149, III, folio 245. The indorsement states that it was delivered on this day, and refers to action taken February 6, 1784. The entry in Committee Book No. 191 states that the matter was acted upon, October 29, 1783.

The Committee consisting of Mr [James] Duane, Mr [Richard] Peters, Mr [Daniel] Carroll, Mr [Benjamin] Hawkins, and Mr A[rthur] Lee, to whom were referred a Report on Indian affairs, read in Congress on the 21st of April last, a letter from General Schuyler, one of the Commissioners of Indian affairs for the northern district, dated the 11th of August last, with messages to and from certain hostile Indians on the subject of peace; a letter dated the same day from Ebenezer Allen, employed to assist Mr Bull, a messenger sent by the Board of War, by order of Congress, to announce the cessation of hostilities to the Indians in the western country; a report from the Board of War dated the 19th of August, accompanying a narrative of Ephraim Douglass, another messenger to the Indian tribes, with sundry enclosures; a letter from the Commander in Chief, with instructions accompanying the same; extract of a letter to the Commander in Chief from General Haldimand, commanding for His Britannick Majesty in Canada, dated the 17th of August; a letter from the Commander in Chief dated the 26th of August, and its enclosures; and a letter from Brigadier General Irwine, dated the 3^d of September instant; submit the following detail of facts and resolutions:

That they have attentively considered the several papers referred to them, and have conferred thereon with the Commander in Chief. That their report will be confined to Indian affairs in the northern and middle departments, as they are defined by the acts of Congress of the 12 of July, 1775, and to the settlement of the western country, these subjects being in the opinion of the committee inseparably connected, and the committee not being possessed of materials which enable them to extend their views to the southern district. That it is represented, and the committee believe with truth, that although the hostile tribes of Indians in the ~~western districts~~ northern and middle departments,¹ are seriously disposed to a pacification, yet they are not in a temper to relinquish their territorial claims, without further struggles. That if an Indian war should be rekindled, repeated victories might produce the retreat of the Indians, but could not prevent them from regaining possession of some part of the distant

¹ The committee report however, says "northern and western departments."

and extensive territories, which appertain to the United States; that while such temporary expulsions could only be effected at a great charge, they could not be improved to the smallest advantage, but by maintaining numerous garrisons and an expensive peace establishment; that even if all the northern and western tribes of Indians inhabiting the territories of the United States could be totally expelled, the policy of reducing them to such an extremity is deemed to be questionable; for in such an event it is obvious that they would find a welcome reception from the British government in Canada, which by so great an accession of strength would become formidable in case of any future rupture, and in peace, by keeping alive the resentment of the Indians for the loss of their country, would secure to its own subjects the entire benefit of the fur trade. That although motives of policy as well as clemency ought to incline Congress to listen to the prayers of the hostile Indians for peace, yet in the opinion of the committee it is just and necessary that lines of property should be ascertained and established between the United States and them, which will be convenient to the respective tribes, and commensurate to the public wants, because the faith of the United States stands pledged to grant portions of the ~~waste and~~ uncultivated lands as a bounty to their army, and in reward of their courage and fidelity, and the public finances do not admit of any considerable expenditure to extinguish the Indian claims upon such lands;

~~because some of the states have already assigned to the officers and privates of their respective lines lands claimed to be within their jurisdictions and from which the Indians have been expelled during the course of the war, and which unless some agreement is seasonably made under the authority of Congress may excite fresh discontent and hostilities~~

because it is become necessary, by the increase of domestic population and emigrations from abroad, to make speedy provision for extending the settlement of the territories of

the United States; and because the public creditors have been led to believe and have a right to expect that those territories will be speedily improved into a fund towards the security and payment of the national debt. Nor in the opinion of the committee can the Indians themselves have any reasonable objections against the establishment recommended. They were, as some of them acknowledge, aggressors in the war, without even a pretence of provocation; they violated the convention of neutrality made with Congress at Albany, in 1775, and in return for proffered protection, and liberal supplies, and to the utter ruin and impoverishment of thousands of families, they wantonly desolated our villages and settlements, and destroyed our citizens. To stop the progress of their outrages, the war, at a vast expence to the United States, was carried into their own country, which they abandoned in dismay. Waiving then the right of conquest and the various precedents which might be quoted in similar instances, a bare recollection of the facts is sufficient to manifest the obligation they are under to make atonement for the enormities which they have perpetrated, and a reasonable compensation for the expences which the United States have incurred by their wanton barbarity; and they possess no other means to do this act of justice than by a compliance with the proposed boundaries. The committee are of opinion, that in the negotiation which they recommend, care ought to be taken neither to yield nor require too much; to accommodate the Indians as far as the public good will admit, and if they should appear dissatisfied at the lines which it may be found necessary to establish, rather to give them some compensation for their claims than to hazard a war, which will be much more expensive; but it is supposed that when they shall be informed of the estimates of the damages which our citizens have sustained by their irruptions, and of the expences which the United States have incurred to check their career, it will have a tendency to suppress any extravagant demands. Whereupon,

Resolved, That a convention be held with the Indians residing in the northern ~~district and the western district~~ and middle departments, who have taken up arms against the United States, for the purposes of receiving them into the favor and protection of the United States, and of establishing boundary lines of property for separating and dividing the settlements of the citizens from the Indian villages and hunting grounds, and thereby extinguishing as far as possible all occasion for future animosities, disquiet and contention.¹

That first and as a preliminary it shall be required that all prisoners of whatever age or sex among these Indians shall be delivered up.

Secondly, That the Indians be informed that after a contest of eight years for the sovereignty of this country Great Britain has ~~ceded all the lands~~ relinquished to the United States all claim to the country within the limits described by the second article of the provisional treaty between the United States and the King of Great Britain, on the thirtieth day of November in the year 1782; that is to say, From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix river to the Highlands, along the said Highlands which divide those rivers that empty themselves into the river Saint Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river to the 45 degree of north latitude, from thence by a line due west on said latitude until it strikes the river Iroquois or Cataraqui; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that

¹ The resolutions, following this, from "First" to "Ninthly," inclusive, were also entered in the manuscript Secret (Domestic) Journal.

lake and lake Huron, thence along the middle of said water communication into lake Huron; thence through the middle of the said lake to the water communication between that lake and lake Superior, thence through lake Superior northward of the isles Royal and Philipeaux to the long lake, thence through the middle of said Long lake and the water communication between it and the lake of the Woods to the said lake of the Woods, thence through the said lake to the most northwestern point thereof and from thence on a due west course to the river Mississippi, thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the 31st degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned in the latitude of thirty-one degrees north of the Equator to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river and thence down along the middle of St. Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix from its mouth in the bay of Fundy to its source and from its source directly north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within 20 leagues of any part of the shores of the United States and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part and East Florida on the other shall respectively touch the Bay of Fundy and the Atlantic Ocean excepting such islands as now are or heretofore have been within the limits of the said province of Nova Scotia.

Thirdly, That as the Indians notwithstanding a solemn treaty of neutrality with Congress at the commencement of the war; notwithstanding all the advice and admonition ~~which could be~~ given them during its prosecution, could not

be restrained from acts of hostility and wanton devastation, but were determined to join their arms to those of Great Britain and to share their fortunes, so consequently with a less generous people than Americans they ~~would be made to share the same fate and~~ might be compelled to retire ~~with them~~ beyond the lakes; but as we prefer clemency to rigor, as we persuade ourselves that their eyes are open to their error and that they have found by fatal experience that their true interest and safety must depend upon our friendship; as the country is large enough to contain and support us all, and as we are disposed to be kind to them, to supply their wants and to partake of their trade, we from these considerations and from motives of compassion draw a veil over what is passed and will establish a boundary line between them and us, beyond which we will ~~endeavor to~~ restrain our citizens from hunting and settling, and within which ~~they~~ the Indians shall not come but for the purposes of trading, treating or other business equally unexceptionable.

Fourthly, That the following ~~line or~~ lines shall be proposed to be mutually agreed upon and established between the United States and the several tribes of Indians who shall be affected thereby; ~~or lines as nearly correspondent thereto as the Indians can be prevailed upon to adopt and approve of; that is to say,~~

[Beginning at the mouth of the great Miami River, which empties into the Ohio, thence along the said river Miami to its confluence with the Mad river; thence by a direct line to the Miami fort at the village of that name on the other Miami river which empties into lake Erie; thence along the last mentioned river to lake Erie, comprehending all the lands between the above mentioned lines and the State of Pennsylvania on the East, Lake Erie on the North and the River Ohio on the South East.

~~That if the Indians shall object against the lines above described, the said commissioners shall receive and report to Congress the~~

~~proposition for a settlement of boundary to be made on their part, that the Sense and farther direction of the United States in Congress assembled may be had thereon.]~~

Fifthly, That the commissioners for the northern and [middle departments,¹ or such other persons as may be appointed by Congress], unite together in holding one convention with the Indians inhabiting the districts aforesaid and their allies and dependants for the purposes aforesaid, and only yield to separte conventions in case of inevitable necessity.

Sixthly, And whereas the Oneida and Tuscarora tribes have adhered to the cause of America and joined her arms in the course of the late war, and Congress have frequently assured them of peculiar marks of favour and friendship, the said commissioners are therefore instructed

~~to take particular care to distinguish the lands claimed as the inheritance of those tribes, to have them ascertained and enter into stipulations that they shall be reserved for the sole use and benefit of those tribes until they shall think it for their own advantage to dispose of the same;~~

[to reassure the said tribes of the friendship of the United States and that they may rely that the lands which they claim as their inheritance will be reserved for their sole use and benefit until they may think it for their own advantage to dispose of the same.]²

~~Provided that if those tribes shall voluntarily agree to exchange their present claims for a district more remote from the settlements of our citizens, and such exchange shall not be deemed disadvantageous by the State claiming the jurisdiction it shall be lawful for the Commissioners to ratify such exchange for the better security of the said Indians.~~

~~Seventhly, And whereas the Legislature of the State of New York have granted lands in Onondaga and Cayuga to certain officers and privates in the service of the United States not only as bounties for~~

¹ The committee report, however, says "northern and western districts."

² A fair copy of the report to this point, as adopted, together with Articles Seventhly, Eighthly and Ninthly, is in the *Papers of the Continental Congress*, No. 30, folios 229-237.

~~recruiting and enlisting; but to appease the discontents which prevailed for want of their pay and as a reward for their meritorious services, the said Commissioners are therefore further instructed to take care as far as will be consistent with the publick peace that in the establishment of the proposed lines the said military grants be not prejudiced or impeached; but if it shall appear that the persisting in such grants and appropriations may so far irritate the Indians as to expose these United States to the dangers and calamities of an Indian war; that then it will be proper for the Commissioners to report the difficulties which shall so occur in their negotiation to the Legislature of the State of New York, and in such case it is earnestly recommended to the Legislature of the State of New York to revise the laws by which such appropriations have been made, so as to prevent the calamities of a new rupture with the Indians.~~

Eighthly, That the Superintendent of finance be directed to furnish such quantity of coarse goods, part of those belonging to the United States, as shall be necessary ~~as presents to the Indians at~~ ^{Recommended.} the proposed negotiation; and that the Commissioners lay before Congress estimates of the quantities of cloathing and other articles which will be requisite for the purposes aforesaid to the end that Congress may give the necessary orders for the delivery of such articles as are on hand, and for providing such as may not be in the publick magazines.¹

That the ~~Commissioners~~ Secretary at War be instructed to obtain information and lay before Congress Estimates of the clothing and other articles required for the proposed negotiation, and that he appoint a suitable person to receive those articles and direct him to deliver them to the orders of the Commissioners, and to produce said orders with attested receipts as vouchers in the adjustment of his accounts at the Treasury Office.

That the Secretary at War be directed to report what sum in goods, it would be proper to ~~limit~~ direct the Commissioners at the proposed treaty with the Indians, to give as a compensation for the cession of territory which Congress have directed to be negociated for with the Indians.

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 30, folios 35-43. It was first read September 19, and printed. The printed copy was considered in Congress, and is in No. 30, folio 193. The amendments made thereon, which are printed within brackets in this text, are in the writing of Elias Boudinot.

That the Superintendent of Finance be directed to furnish such a quantity of coarse goods part of those belonging to the U. S. as in concurrence of the Secretary at War may be deemed necessary at the opening of the proposed treaty, not exceeding dollars in value: And that the Commissioners lay before Congress Estimates of the further quantities of clothing and other articles which in said treaty they may find requisite for carrying the same into execution not exceeding Dollars, to the end Congress may make necessary provision for supplying the same.¹

The Committee consisting of Mr [James] Duane, Mr [Richard] Peters, Mr [Daniel] Carroll, Mr [Benjamin] Hawkins, and Mr A[rthur] Lee to whom were referred a Report on Indian affairs and the several other papers enumerated in the report which the said Committee presented to Congress on [the 19th September] last, having further considered of the matters referred to them beg leave to subjoin the following additional instructions and propositions to their said former report.

That the said Commissioners of the northern and middle Districts be instructed to obtain a particular account of the French inhabitants at Detroit, Illinois, and other villages within the territories of the United States, and that they give assurances, in the name of the United States, to those inhabitants that they shall be protected in the full enjoyment of their liberty and property.

That the said Commissioners be also instructed to obtain information of the numbers and places of residence of the citizens of the United States who have seated themselves on the north west side of the Ohio; to signify to them the displeasure of Congress that they have taken this step, with which the publick interest and repose are so intimately connected, without permission or authority; ~~to caution them to abstain from acts of violence or injustice towards the Indians and to live peaceably among themselves; untill a plan shall be instituted, under the authority of the United States, for granting settling and governing that country. That the said Commissioners be also instructed to discourage to the utmost of their power, all further intrusions into any of the territories of the United States~~

¹ These three motions, the first and second in the writing of Arthur Lee, and the third in that of Abraham Clark, are in the *Papers of the Continental Congress*, No. 30, folios 187, 189 and 191. They are undated, but the indorsement and the record in Committee Book No. 186 show that they were committed this day, "with the article 8th in the first report on Indian affairs," to Mr. [James] Duane, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Benjamin] Hawkins and Mr. [Arthur] Lee, who delivered a report October 24.

within their respective Departments, ~~and your committee are of opinion that to strengthen their hands in this respect, a proclamation inhibiting such intrusions ought to be issued by the United States in Congress assembled without delay.~~

Your Committee beg leave further to report that, in their opinion, the trade with the Indians ought to be regulated, and security be given by the Traders for the punctual observance of such regulations, so that violence, fraud and injustice towards the Indians may ~~as far as possible~~ be guarded against and prevented, and the honour of the federal government, and the publick tranquillity, be thereby promoted. And that for these purposes ~~and for Indian affairs in general, the standing a Committee of Congress on Indian affairs should be revived~~ be appointed with instructions to prepare and report to Congress an ordinance for regulating the Indian trade, with a clause strictly prohibiting all civil and military officers and particularly all Commissioners and Agents for Indian affairs, from trading with the Indians or purchasing or being directly or indirectly concerned in purchasing lands from the Indians, except only by the express license and authority of the United States in Congress assembled.

And lastly your Committee beg leave to observe that they do not offer the measures which they have suggested as a sufficient security against the increase of feeble, disorderly and dispersed settlements in those remote and wide extended Territories: against the depravity of manners which they have a tendency to produce; the endless perplexities in which they must involve the administration of the affairs of the United States, or against the calamities of frequent and destructive wars with the Indians which reciprocal animosities unrestrained by the interposition of legal authority must naturally excite. Nothing in the opinion of your committee can avert those complicated and impending mischiefs, or secure to the United States the just and important advantages which they ought to derive from those Territories, but the speedy establishment of Government and the regular administration of justice in such District thereof as shall be judged most convenient for immediate settlement and cultivation.

~~Your committee therefore submit it to consideration whether it is not wise and necessary that a Committee be appointed to report to Congress on the expediency of laying out a suitable District within the said Territory, and of erecting it into a distinct government for the accommodation of such as may incline to become purchasers and inhabitants, as well as for doing justice to the army of the United States who are entitled to lands as a Bounty or in reward~~

~~for their services, with instructions to such committee to devise a plan for the temporary government of the inhabitants and the due administration of justice; until their number and circumstances shall entitle them to a place among the States in the Union; when they shall be at liberty to form a free constitution for themselves not incompatible with the republican principles which are the Basis of the constitutions of the respective States in the union. But if Congress conceive it doubtful whether the powers vested by the Instrument of Confederation and perpetual union are competent to the establishment of such Government that then the Committee be instructed to prepare and report to Congress a proper address to the respective States for remedying the defects of the said instrument in this respect.~~

Your committee cannot undertake with any degree of accuracy to propose the limits of the intended Government. They however lay before Congress two projects which have been suggested for consideration viz:

First "That from the mouth of the great Miami which empties into the Ohio to its confluence with the Mad River. *Thence* by a line to the Miami Fort and village on the other Miami which empties into Lake Erie and *thence* by a line to include the settlement of Detroit would with Lake Erie on the north, Pennsylvania to the east, and the Ohio to the south, form a government sufficiently extensive to comply with the publick engagements and to receive moreover a large population by emigrants. It is conceived that in the first instance to confine all settlements within these bounds would be much more beneficial; even supposing no disputes were apprehended with the Indians, and that it was unnecessary to guard against those other evils which have been enumerated; than to suffer the same number of people to disperse themselves over a country of at least five hundred thousand square miles contributing nothing to the support, but much to the embarrassment, of the federal government.

Secondly, that was it not for the purpose of comprehending the settlement of Detroit within the jurisdiction of the new government a more compact and better shaped District for a State would be for the above described line to proceed from the Miami Fort and village along the river of that name to Lake Erie, leaving in that case the settlement of Detroit and all the territory north of the rivers Miami and St Joseph's between the Lakes Erie, St Clair, Huron, and Michigan to form *hereafter* another State equally large, compact and water bound.

With regard to the southern department which comprehends the Cherokees and all the Indians within the United States to the southward of that tribe, your committee having already observed that neither the papers committed them, nor any information of which they are possessed, enable them to extend their views to the Indian affairs of that department, they therefore desire to be discharged therefrom, and that the same may be recommended to a committee better acquainted with the local circumstances of that country.¹

Seventhly, That the said commissioners be and they are hereby instructed to obtain a particular account of the French Inhabitants at Detroit, Illinois, and other villages within the territories of the United States, and that they give assurances in the name of the United States to those inhabitants [who shall profess their allegiance to the United States] that they shall be protected in the full enjoyment of their liberty and their [just and lawful] property.

Eighthly, [That the said Commissioners be and they are hereby instructed not to admit into a treaty with the said Indians or suffer to be in any manner connected with it any article, stipulation or condition whatsoever, making or confirming or tending to make or confirm to any individual or individuals any grant or grants of land whether real or pretended within the bounds of the United States as before described.]

Ninthly, That the said Commissioners be and they are hereby also instructed to obtain information of the numbers and places of residence of the citizens of the United States who have seated themselves on the northwest side of the

¹ This supplemental report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 30, folio 175. There is a fair copy on folio 181. The indorsement shows that it was delivered and read September 22, and acted on October 15. According to the record in Committee Book No. 186, the state of Indian affairs in the southern department was, on October 16, referred to Mr. [Benjamin] Hawkins, Mr. [James] Madison, Mr. [Richard] Beresford, Mr. [James] McHenry and Mr. [James] Tilton. This committee was renewed December 18, when Madison was replaced by Mr. [Thomas] Jefferson; and again on January 26, 1784, when Mr. [Jeremiah Townley] Chase and Mr. [Richard Dobbs] Spaight were added in place of Hawkins and McHenry; and on March 23, Mr. [Jacob] Read in place of Tilton. A report was delivered April 19, 1784.

Ohio; to signify to them the displeasure of Congress that they have taken this step, with which the public interest and repose are so intimately connected, without permission or authority, and to discourage to the utmost of their power all intrusions into any of the territories of the United States within their respective departments.

And whereas the trade with the Indians ought to be regulated, and security be given by the traders, for the punctual observance of such regulations, so that violence, fraud and injustice towards the Indians, may be guarded against and prevented, and the honor of the federal government and the public tranquility thereby promoted.

Resolved, That a committee be appointed with instructions to prepare and report an ordinance for regulating the Indian trade, with a clause therein strictly prohibiting all civil and military officers, and particularly all commissioners and agents for Indian affairs, from trading with the Indians, or purchasing, or being directly or indirectly concerned in purchasing lands from Indians, except only by the express license and authority of the United States in Congress assembled:

The members chosen, Mr. [Abraham] Clark, Mr. [Daniel] Carroll and Mr. [John] Montgomery.¹

Resolved, That the preceding measures of Congress relative to Indian affairs, shall not be construed to affect the territorial claims of any of the states, or their legislative rights within their respective limits.²

The committee in their report observe further, "that they do not offer the measures which they have suggested as a

¹ According to the record in the *Papers of the Continental Congress*, Committee Book No. 186, this committee was renewed December 18, and the matter, together with the plan for a temporary government of the western territory was referred to Mr. [Thomas] Jefferson, Mr. [Cadwalader] Morris and Mr. [James] McHenry. On January 7, 1784, the committee was again renewed, both matters being committed to Mr. [Thomas] Jefferson, Mr. [Cadwalader] Morris, Mr. [Jacob] Read, Mr. [Hugh] Williamson and Mr. [Jeremiah Townley] Chase.

² This resolution, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 80, folio 173½.

sufficient security against the increase of feeble, disorderly and dispersed settlements in those remote and wide extended territories; against the depravity of manners which they have a tendency to produce; the endless perplexities in which they must involve the administration of the affairs of the United States; or against the calamities of frequent and destructive wars with the Indians, which reciprocal animosities unrestrained by the interposition of legal authority must naturally excite; and that in their opinion nothing can avert those complicated and impending mischiefs, or secure to the United States the just and important advantages which they ought to derive from those territories, but the speedy establishment of government and the regular administration of justice in such district thereof as shall be judged most convenient for immediate settlement and cultivation: whereupon,

Resolved, (That it will be wise and necessary, as soon as circumstances shall permit, to erect a district of the western territory into a distinct government, as well for doing justice to the army of the United States, who are entitled to lands as a bounty, or in reward of their services, as for the accommodation of such as may incline to become purchasers and inhabitants; and in the interim, that a committee be appointed to report a plan, consistent with the principles of the Confederation, for connecting with the Union by a temporary government, the purchasers and inhabitants of the said district, until their number and circumstances shall entitle them to form a permanent constitution for themselves, and as citizens of a free, sovereign and independent State, to be admitted to a representation in the Union; provided always, that such constitution shall not be incompatible with the republican principles, which are the basis of the constitutions of the respective states in the Union.)”¹

¹A printed copy of the supplemental report was considered in Congress. The amendments thereon, which are placed within brackets in this text, are in the writing of Elias Boudinot, and the paragraph in parentheses is in the writing of Charles Thomson. The printed report is in the *Papers of the Continental Congress*, No. 30, folios 195-197.

The members chosen, Mr. [James] Duane, Mr. [James] Madison and Mr. S[amuel] Huntington.¹

Ordered, That the remainder of the report be referred to the said committee.²

THURSDAY, OCTOBER 16, 1783

On motion of Mr [James] McHenry, seconded by Mr. [James] Madison,

Ordered, That the agent of marine provide Major General du Portail, Brigadier-General Laumoy and Colonel Gouvion, with a passage to France, in the ship *Washington* and that they be informed of the same.³

Resolved, That Wednesday next be assigned for electing commissioners for negotiating a treaty with the Indians.⁴

¹ See note above, on Committee on ordinance for regulating Indian trade.

² On this day, as the indorsement states, was read a representation of the inhabitants of Trenton, dated October 13, offering accommodations to Congress. It is in the *Papers of the Continental Congress*, No. 78, XXII, folio 283.

Also a representation of the inhabitants of Princeton agreeing to furnish the best accommodations in their power to Congress for one year or during the winter. It is in No. 46, folio 123.

³ This motion, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 36, II, folio 237.

⁴ On this day, according to the indorsement, was read a letter of October 10 from the Superintendent of Finance enclosing a copy of a letter from Oliver Pollock, and correspondence of Pollock with Luis de Unzaga, governor of Havana, and Brigadier General Josef de Ezpeleta. It is in the *Papers of the Continental Congress*, No. 137, III, folio 171, and the enclosures on folios 179-193. It was referred to Mr. S[amuel] Huntington, Mr. A[rthur] Lee, and Mr. [James] Duane. Committee Book, No. 186, says the committee was renewed December 18, the new committee consisting of Mr. [Arthur] Lee, Mr. [Richard Dobbs] Spaight and Mr. [Hugh] Williamson.

Also, another letter of October 10 from the Superintendent of Finance, relative to clothing the Army. It is in No. 137, III, folio 197. It was referred to Mr. [Abraham] Clark, Mr. [Elbridge] Gerry, and Mr. S[amuel] Huntington. Committee Book, No. 186, says the committee was renewed December 18, the new committee being Mr. [Elbridge] Gerry, Mr. [Cadwalader] Morris, and Mr. [Abiel] Foster, and they were discharged December 24.

FRIDAY, OCTOBER 17, 1783

On the report of the Secretary at War, to whom were referred a letter of 20 August from Major-General Knox, and petition of Captain Post's company of artillery artificers:

WAR OFFICE *Sept: 26. 1783*

SIR,

On the petition of several artificers late of Capt: Post's company, and the papers accompanying it, I beg leave to report,

That at the time of passing the resolution of Congress of the 10th of April, 1780, which orders that the deficiency of the original pay occasioned by the depreciation of the Continental bill of credit, to be made good to the army, the petitioners were in service, and would have been embraced by that resolution, but for the provision therein, which limits the benefits of it to those who were engaged either for the war or for three years—they were engaged for two years only. As their right to the value of their pay according to the original agreement, though no new promise has been made to them, will not I presume be questioned. I submit to the consideration of Congress the propriety of their passing the following draught of a resolve:

Resolved, That the paymaster general be directed to settle the pay ~~and depreciation of pay~~ of those officers and soldiers who served in Captain Post's company of artillery artificers, due attention being had in the settlement, to the real value of their nominal pay at the time they engaged in this service, and that a certificate of the balance due to each officer and soldier, be given them by the paymaster general, in the same manner as to the officers and soldiers in the line of the army.¹

On the report of a committee, consisting of Mr. [Abraham] Clark, Mr. [Richard] Peters and Mr. S[amuel] Huntington, to whom was referred a memorial of John Hall,

¹ This report is in the *Papers of the Continental Congress*, No. 149, III, folio 209. According to the indorsement it was delivered September 27.

The following in the writing of Benjamin Huntington, is on folio 203:

“That the Paymaster General be directed to settle the pay and depreciation of those officers and soldiers who served in Captain Post's company of Artillery Artificers, and were in service at or since the 10 April 1780, due attention being had in the settlement to the real value of their nominal pay when they were enlisted: and that certificates thereof be given by the Paymaster General in the same manner as to the officers and soldiers in the line of the army.”

Resolved, That in settling the accounts particularly referred to in the act of Congress of the 27 of February last, depreciation of pay be allowed to all those in the military stores department, who were engaged for three years, or during the war, and in actual service on or after the 10 of April, 1780, due attention being had in the settlement to the real value of their nominal pay at the time they engaged in the service.¹

On the report of a committee, consisting of Mr. [Abraham] Clark, Mr. [Elbridge] Gerry and Mr. [Benjamin] Hawkins, to whom was referred a memorial of Cornelius Durant,

Ordered, That the petition of Cornelius Durant, claiming pay for a quantity of flour and ship stuff, his property, seized in the State of Maryland, in the year 1779, be referred to the Superintendent of finance, who is directed to take order for investigating the claim of Mr. Durant, and upon the facts set forth in his petition being supported, to cause a settlement to be made thereof, and the sum which may be found due, including interest from the time of seizure, to be placed on interest in common with other debts due from the United States.²

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Arthur] Lee, in the words following:

Whereas the resolutions of Congress of the 7th instant, to erect buildings for their use at or near the falls of the Delaware, are not satisfactory to a respectable part of the United States, five of which, on the 8th instant, voted for a re-consideration of the said resolutions: And whereas Congress have no prospect of a general assent to any one place for their residence, and there is every reason to expect that the providing buildings for the alternate residence of Congress in two places, will be productive of the most salutary effects, by

¹ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, III, folio 5.

² This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, II, folio 173.

securing the mutual confidence and affections of the states, and preserving the federal balance of power:

It is therefore, Resolved, That buildings be likewise erected for the use of Congress, at or near the lower falls of Potomac or Georgetown; provided a suitable district on the banks of the river can be procured for a federal town, and the right of soil and an exclusive jurisdiction, or such other as Congress may direct, shall be vested in the United States:² Whereupon,

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [Richard] Peters, as follows:

Whereas the motion now before the house, made by the honorable mover from Massachusetts, appears to involve in it important consequences to the Union, as to require a special and deliberate investigation, unconnected with any other subject, and ought not to be determined upon a motion immediately taken up, without previous notice thereof given to the states; as was the case in fixing a single federal town: Therefore,

Resolved, That the said motion be postponed to the first Monday in April next, and copies thereof transmitted to the executives of the several states:

And on the question to agree to this, the yeas and nays being required by Mr. [Elias] Boudinot,

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Foster,	no } *	Mr. Duane,	ay } ay
<i>Massachusetts,</i>		L'Hommedieu,	ay }
Mr. Gerry,	no }	<i>New Jersey,</i>	
Holten,	no } no	Mr. Boudinot,	ay }
Osgood,	no }	Clark,	ay }
<i>Rhode Island,</i>		Condict,	ay }
Mr. Ellery,	no }	<i>Pennsylvania,</i>	
Howell,	no } no	Mr. Montgomery,	ay }
<i>Connecticut,</i>		Peters,	ay }
Mr. S. Huntington,	no }	<i>Delaware,</i>	
B. Huntington,	no } no	Mr. Tilton,	ay } *

² This motion, undated, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, IV, folio 213.

<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. Carroll,	no	} no	Mr. Hawkins,	no	} no
McHenry,	no		Williamson,	no	
<i>Virginia,</i>			<i>South Carolina,</i>		
Mr. Madison,	no	} no	Mr. Izard,	no	} no
Lee,	no		Beresford,	no	
Mercer,	no				

So the question was lost.

On motion of Mr. [Richard] Peters, seconded by Mr. [Silas] Condict,

Resolved, That the consideration of the main question be postponed till Wednesday next.¹

SATURDAY, OCTOBER 18, 1783

The committee, consisting of Mr. [James] Duane, Mr. S[amuel] Huntington and Mr. [Samuel] Holten, appointed to prepare a proclamation for a day of thanksgiving, reported a draft, which was agreed to as follows:

By the United States in Congress assembled.

A PROCLAMATION.

Whereas it hath pleased the Supreme Ruler of all human events, to dispose the hearts of the late belligerent powers to put a period to the effusion of human blood, by proclaiming a cessation of all hostilities by sea and land, and these United States are not only happily

¹ On this day, according to the indorsement, was read a letter of the 14th from Eben Hazard, Post Master General, concerning packets from England. It is in the *Papers of the Continental Congress*, No. 61, folio 151.

Also, a letter of 16 from Ephraim Douglass asking for an allowance of pay. It is in No. 78, VIII, folio 35. Committee Book, No. 186, shows that the Secretary at War reported "that five hundred dollars be paid to Ephraim Douglass for a reward for his services in going into the Indian country," and that the letter was on this day referred to the Superintendent of Finance to take order. See *ante* September 4.

Also, a letter of October 15 from the Agent of Marino enclosing copy of a letter of October 13, from Captain John Paul Jones. It was referred to Mr. S[amuel] Huntington, Mr. A[rthur] Lee and Mr. [James] Duane. It is in No. 137, III, 201, and the copy of Jones's letter on folio 211. According to Committee Books, No. 186 and No. 191, the Committee reported October 29, and the report was acted upon November 1.

rescued from the dangers ~~distresses~~ and calamities ~~which they have so long and so magnanimously sustained~~ to which they have been so long exposed, but their freedom, sovereignty and independence ultimately acknowledged ~~by the king of Great Britain~~. And whereas in the progress of a contest on which the most essential rights of human nature depended, the interposition of Divine Providence in our favour hath been most abundantly and most graciously manifested, and the citizens of these United States have every possible reason for praise and gratitude to the God of their salvation. Impressed, therefore, with an exalted sense of ~~the magnitude of~~ the blessings by which we are surrounded, and of our entire dependence on that Almighty Being, from whose goodness and bounty they are derived, the United States in Congress assembled do recommend it to the several States, to set apart the second Thursday in December next, as a day of public thanksgiving, that all the people may then assemble to celebrate with ~~one voice~~ grateful hearts and united voices, the praises of their Supreme and all bountiful Benefactor, for his numberless favors and mercies. That he hath been pleased to conduct us in safety through all the perils and vicissitudes of the war; that he hath given us unanimity and resolution to adhere to our just rights; that he hath raised up a powerful ally to assist us in supporting them, and hath so far crowned our united efforts with success, that in the course of the present year, hostilities have ceased, and we are left in the undisputed possession of our liberties and independence, and of the fruits of our own land, and in the free participation of the treasures of the sea; that he hath prospered the labour of our husbandmen with plentiful harvests; and above all, that he hath been pleased to continue to us the light of the blessed gospel, and secured to us in the fullest extent the rights of conscience in faith and worship. And while our hearts overflow with gratitude, and our lips set forth the praises of our great Creator, that we also offer up fervent supplications, that it may please him to pardon all our offences, to give wisdom and unanimity to our public councils, to cement all our citizens in the bonds of affection, and to inspire them with an earnest regard for the national honor and interest, to enable them to improve the days of prosperity by every good work, and to be lovers of peace and tranquillity; that he may be pleased to bless us in our husbandry, our commerce and navigation; to smile upon our seminaries and means of education, to cause pure religion and virtue to flourish, to give peace to all nations, and to fill the world with his glory.

Done by the United States in Congress assembled, witness his Excellency ELLIAS BOUDINOT, our President, this 18th day of October, in the year of our Lord one thousand seven hundred and eighty-three, and of the sovereignty and independence of the United States of America the eighth.¹

On the report of a committee, consisting of Mr. [Theodorick] Bland, Mr. B[enjamin] Huntington and Mr. [David] Howell, to whom was referred a memorial from Major Jackson,

Resolved, That the sum actually expended by Mr. Jackson, for defraying the necessary expences of his journies to and from Paris and Amsterdam, on the business committed to his charge by the Hon. John Laurens, special minister to the Court of France, and charged to the said Jackson, be passed to his credit.

Resolved, That fourteen hundred and fifty-five dollars be allowed to Mr. Jackson, as a full compensation for his services while acting as secretary to the Hon. John Laurens, on his mission to the Court of France, his pay and emoluments in the army to cease during that period.²

On the report of a committee, consisting of Mr. [William] Ellery, Mr. [James] Madison and Mr. [James] Duane, to whom was referred a letter of the 7, from Major General Greene:

Resolved, That two pieces of the field ordnance taken from the British army at the Cowpens, Augusta, or Eutaw, be presented by the Commander in Chief of the armies of the United States, to Major General Greene, as a public testimonial of the wisdom, fortitude and military skill which distinguished his command in the southern department, and of the eminent services which amidst complicated difficulties and dangers, and against an enemy greatly superior in numbers, he has successfully performed for his country: and that

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 24, folios 473-477.

² These resolutions were also entered in the manuscript Secret Journal, Foreign Affairs. The report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, III, folio 265.

a memorandum be engraved on the said pieces of ordnance, expressive of the substance of this resolution.

Resolved, That the Commander in Chief be informed, that Major General Greene hath the permission of Congress to visit his family at Rhode Island.¹

A motion was made by Mr. ~~Mercer~~ [James] McHenry, seconded by Mr. ~~Carroll~~ [John Francis] Mercer, to re-consider the resolution, "that the consideration of the motion made by Mr. [Elbridge] Gerry, be postponed till Wednesday"; and when the question was about to be put, the determination thereof was postponed by the State of New Jersey.

On the report of a committee, consisting of Mr. S[amuel] Huntington, Mr. [Elbridge] Gerry and Mr. [James] Duane, to whom was referred a letter of the 19 of September, from the Commander in Chief, Congress passed the following proclamation.

The Committee consisting of Mr S[amuel] Huntington, Mr [Elbridge] Gerry, and Mr [James] Duane to whom a letter from the Commander in Chief of the 19th instant was referred submit the following report,

That his Excellency the Commander in Chief's said letter of the 19th instant respects three particulars,

First. Cloathing for the troops on the North River.

Secondly. The troops on furlough in pursuance of the Acts of Congress of the 26th of May and the 11th of June and the 9th of August last.

Thirdly. The Corps of Engineers.

Your Committee beg leave to observe that sufficient provision is already made on the first of those heads by the Act of Congress of the Day of instant.

That with regard to the last it is still under the deliberation of your Committee; and it appears difficult to make any report thereon until the settlement of the peace establishment.

With regard to the second object viz. the troops who are on furlough, your Committee are of opinion that it will be best provided for by the following proclamation which they subjoin for the consideration of Congress to wit:

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, II, folio 505. Greene's letter is in No. 155, II, folio 635. According to the indorsement, it was read and referred to this committee on October 9.

By the United States in Congress assembled.

A PROCLAMATION.

Whereas in the progress of an arduous and difficult war, the armies of the United States of America have eminently displayed every military and patriotic virtue, and are not less to be applauded for their ~~invincible~~ fortitude and magnanimity in the most trying scenes of ~~adversity and~~ distress, than for a series of heroic and illustrious achievements, which exalt them to a high rank among the most zealous and successful defenders of the rights and liberties of mankind. And whereas by the blessing of Divine Providence on our cause and our arms, the glorious period is arrived when our national independence and sovereignty are established, and we enjoy the prospect of a permanent and honorable peace: We therefore, the United States in Congress assembled, thus impressed with a lively sense of the distinguished merit and good conduct of the said armies, do give them the thanks of their country, for their long, eminent and faithful services.

And it is our will and pleasure, that such part of the federal armies as stands engaged to serve during the war, and as by our Acts of the 26 day of May, the 11 day of June, the 9 day August, and the 26 day of September last, were furloughed, shall, from and after the ~~tenth~~ third day of ~~October~~ November next, be absolutely discharged by virtue of this our proclamation, from the said service: and we do also declare, that the further services in the field, of the officers who are deranged and on furlough, in consequence of our aforesaid Acts, can now be dispensed with, and they have our full permission to retire from service, without being longer liable from their present engagements, to be called into command. And of such discharge and permission to retire from service respectively, all our officers, civil and military, and all others whom it may concern, are required to take notice, and to govern themselves accordingly.

Given under the seal of the United States in Congress assembled, witness his Excellency ELIAS BOUDINOT, our President in Congress, this eighteenth day of October, in the year of our Lord one thousand seven hundred and eighty-three, and of the sovereignty and independence of the United States of America the eighth.¹

¹ The original of this proclamation, signed by Boudinot and Thomson and with seal affixed, is in the *Papers of the Continental Congress*, miscellaneous. The report, in the writing of James Duane, is in No. 24, folio 479. According to the indorsement, and the record in Committee Book No. 186, the report was read September 29, recommended September 30, and reported again October 3. The proclamation was also entered in the manuscript Secret Journal, Foreign Affairs.

The Committee [Mr. Hugh Williamson, Mr. Theodorick Bland, Mr. Alexander Hamilton] to whom was referred a letter from the Secretary at War enclosing a letter from Major General Knox of June 2nd 1783 requesting compensation on the supposition that his pay at different periods since he entered the service has been inadequate to his rank and necessary expences beg leave to observe that on the 17th Nov. 1775 Genl. Knox obtained the Rank of Colonel of the Regiment of Artillery with the pay that was given to other Colonels. Thirteen months after that time viz. on the 27th of December 1776 he was promoted to the rank of Brigadier General with the usual pay of that office. On the 18th of February 1779 Congress were pleased to Grant 70 Dollars per month additional pay to the Surveyor of Ordnance and 75 Dollars per month to the Commanding Officer of the Artillery, in consideration of extra duty.

On the 12th of Jany. 1781 Congress were pleased to order 40 Dollars per month to be paid to the Commanding Officer of the Artillery in addition to his pay in the Line. This order extended back to the 1st of August 1780. At the same time they ordered 40 Dollars per month additional pay to be given to the Surveyor of the Ordnance. Your Committee apprehend that the change from 75 to 40 Dollars per month was considered by Congress as an increase of pay and not a diminution, for the 1st was paid in depretiated money, and the last in bills of the new emission, which was then rated as hard money; but 75 Dollars on the 18th of Feb. 1779 were not worth more than 10½ Dollars and it is clear that Congress must have viewed them about that time in such a light, for on the 18th of August in the same year, they ordered 500 Dollars per month as subsistence money to be paid to a Colonel, and to other officers in proportion. If the 75 Dollars per month extra pay had been considered as hard money, the pay and appointments of Genl. Knox while Brigadier must have exceeded those of a Major General. Your Committee on the whole do not think that the change of 75 Dollars into 40 of which General Knox complains originated in any mistake, and they have the pleasure to learn that he continues to receive 40 Dollars per month in addition to his Pay as Major General.

The Committee are fully impressed with the ~~great~~ services that have been rendered to the U. S. by the exertions of an able and faithful officer at the Head of the ordnance. Nor can they doubt that there have been periods both before and since he commanded at West Point, at which the pay and appointments of General Knox were not equal to his expences; but they conceive that half pay, for

life, especially when it is extended to general officers must be regarded as a compensation which is by no means illiberal. They also conceive that by comparing the past expences of an officer with his pay at different periods in order to make up deficiencies they might open a very extensive and troublesome acct. and might endanger the large arrearages which are now due to the Army. Wherefore, they submit the following Report,

That Congress have a high sense of the distinguished services of Major General Knox; but they cannot consistently with the general arrangements of pay for the army make any retrospective allowance for any individual officer whose expences at certain periods may have exceeded his appointments without introducing a precedent which would involve them in great difficulties and embarrassments.¹

The Committee of the week [Mr. Samuel Osgood, Mr. Abiel Foster, and Mr. James Wilson] report that the letter of George Bond Deputy Secretary, of the 18th instant, setting forth that his salary has been altogether inadequate to his necessary expences and requesting farther relief from Congress, be referred to a special Committee.²

The Committee of the week [Mr. Samuel Osgood, Mr. Abiel Foster and Mr. James Wilson], report that the petition of Thomas Craig late Col^d of the 3rd Pennsylvania Regiment and others setting forth that they were deranged last March and incurred a considerable expence in a journey of 800 miles and praying an allowance therefor be referred to the Secretary of War to report.³

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, III, folio 387. It was referred to Mr. [Hugh] Williamson, Mr. [Samuel] Osgood, Mr. [James] Tilton, on this day, the indorsement states, having been delivered and read on June 17. See *post*, October 20.

² This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 19, I, folio 395. It is indorsed "Passed October 18, 1783." Bond's letter is in No. 78, IV, folio 413. The entry in Committee Book No. 186, shows that it was on this day referred to Mr. [Richard] Beresford, Mr. [Hugh] Williamson and Mr. [John Francis] Mercer.

³ This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 32, folio 525. By the indorsement it is of this date. The petition of Thomas Craig and others is in No. 42, VI, folio 77. According to the indorsement, the report of the Secretary at War was delivered October 22, 1783, and passed April 16, 1784.

On this day, as the indorsement states, was read a letter of the same date from Thomas Lawrence, transmitting a memorial, dated September 30, from General Lewis Morris, offering the manor of Morrisania for the permanent residence of Congress. Lawrence's letter is in No. 78, XIV, folio 547, and the memorial in No. 46, folios 125-129.

MONDAY, OCTOBER 20, 1783

On the question to re-consider the resolution postponing the consideration of Mr. [Elbridge] Gerry's motion to Wednesday next, the yeas and nays being required by Mr. [Elias] Boudinot,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	}	Mr. Montgomery,	no	}
<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Gerry,	ay	}	Mr. Tilton,	no	}
Holten,	ay		<i>Maryland,</i>		
Osgood,	ay		Mr. Carroll,	ay	}
<i>Rhode Island,</i>			McHenry,	ay	
Mr. Ellery,	ay	}	<i>Virginia,</i>		
Howell,	ay		Mr. Lee,	ay	}
<i>Connecticut,</i>			Mercer,	ay	
Mr. S. Huntington,	ay	}	<i>North Carolina,</i>		
B. Huntington,	ay		Mr. Hawkins,	ay	}
<i>New York,</i>			Williamson,	ay	
Mr. Duane,	no	}	<i>South Carolina,</i>		
L'Hommedieu,	no		Mr. Izard,	ay	}
<i>New Jersey,</i>			Beresford,	ay	
Mr. Boudinot,	no	}			

So it was resolved in the affirmative.

On the motion, that the consideration of Mr. [Elbridge] Gerry's motion be postponed to Wednesday next, the yeas and nays being required by Mr. [Elias] Boudinot,

<i>Massachusetts,</i>			<i>New York,</i>		
Mr. Gerry,	no	}	Mr. Duane,	ay	}
Holten,	no		L'Hommedieu,	ay	
Osgood,	no		<i>New Jersey,</i>		
<i>Rhode Island,</i>			Mr. Boudinot,	ay	}
Mr. Ellery,	no	}	<i>Pennsylvania,</i>		
Howell,	no		Mr. Montgomery,	ay	}
<i>Connecticut,</i>			<i>Delaware,</i>		
Mr. S. Huntington,	no	}	Mr. Tilton,	ay	}
B. Huntington,	ay				

<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. Carroll,	no	} no	Mr. Hawkins,	no	} no
McHenry,	no		Williamson,	no	
<i>Virginia,</i>			<i>South Carolina,</i>		
Mr. Lee,	no	} no	Mr. Izard,	no	} no
Mercer,	no		Beresford,	no	

So the question was lost.

The motion of Mr. [Elbridge] Gerry was then taken up, and being read in the words following:

Whereas the resolutions of Congress of the 7 instant, to erect buildings for their use at or near the falls of the Delaware, are not satisfactory to a respectable part of the United States, five of which, on the 8th instant, voted for a re-consideration of the said resolutions: And whereas Congress have no prospect of a general assent to any one place for their residence, and there is every reason to expect that the providing buildings for the alternate residence of Congress in two places, will be productive of the most salutary effects, by securing the mutual confidence and affections of the states, and preserving the federal balance of power: It is therefore

Resolved, That buildings be likewise erected for the use of Congress, at or near the lower falls of Potomac or Georgetown; provided a suitable district on the banks of the river can be procured for a federal town, and the right of soil and an exclusive jurisdiction, or such other as Congress may direct, shall be vested in the United States.

[Motion of Mr Daniel Carroll seconded by Mr James McHenry]

And that the President adjourn Congress on the 10th day of November next to meet at Annapolis on the 25th of the same month and there to sit till the ~~31st of October following~~ 15th day of Oct^r, 1784, or for such part of the year as may be found necessary for the dispatch of public business, on which ~~31st of October~~ 15 Oct^r the President shall be empowered and directed and he is hereby empowered and directed to adjourn Congress to meet at Trenton on the ~~20th of December 1st Monday of November~~ last day of October following, and so alternately for twelve months at Annapolis and twelve months at Trenton, including the intervals of adjournment, untill the Buildings to be erected at or near the falls of Delaware and at or near the lower falls

of Potomack or near George Town on the said River shall be ~~com-~~
pleted prepared for the reception of Congress.

Withdrawn.¹

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [John Francis] Mercer, to amend it by adding thereto:

“And that until the buildings to be erected on the banks of the Delaware and Potomac shall be prepared for the reception of Congress, their residence shall be alternately at equal periods of not more than one year, and not less than six months in Trenton and Annapolis; and the President is hereby authorised and directed to adjourn Congress on the 10 day of November next, to meet at Annapolis on the 25 day of the same month, for the despatch of public business.”²

A motion was made by Mr. [William] Ellery, seconded by Mr. [John] Montgomery, to strike out the words “one year, nor less than”: And on the question, shall those words stand? the yeas and nays being required by Mr. [William] Ellery,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Gerry,	no	} no	Mr. Tilton,	no	} *
Holten,	no		<i>Maryland,</i>		
Osgood,	ay		Mr. Carroll,	ay	
<i>Rhode Island,</i>			McHenry,	ay	} ay
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no		Mr. Lee,	ay	
<i>Connecticut,</i>			Mercer,	ay	} ay
Mr. S. Huntington,	ay	} ay	<i>North Carolina,</i>		
B. Huntington,	ay		Mr. Hawkins,	ay	
<i>New York,</i>			Williamson,	ay	} ay
Mr. Duane,	ay	} ay	<i>South Carolina,</i>		
L'Hommiedieu,	ay		Mr. Izard,	ay	
<i>New Jersey,</i>			Beresford,	ay	} ay
Mr. Boudinot,	no	} *			
<i>Pennsylvania,</i>					
Mr. Montgomery,	no	} *			

¹ This motion, undated, in the writing of John Francis Mercer, is in the *Papers of the Continental Congress*, No. 36, IV, folio 207.

² This motion, undated, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 36, IV, folio 215.

So the question was lost and the words were struck out.

On motion, the words "not more than six months" were also struck out.

A motion was then made by Mr. [James] Duane, seconded by Mr. [Ezra] L'Hommedieu, to strike out the words "and Potomac", "alternately at equal periods", "and Annapolis", "at Annapolis": And on the question, shall those words stand? the yeas and nays being required by Mr. [James] Duane,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Gerry,	ay	} ay	Mr. Tilton,	ay	} *
Holten,	ay		<i>Maryland,</i>		
Osgood,	ay		Mr. Carroll,	ay	
<i>Rhode Island,</i>			McHenry,	ay	} ay
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		
Howell,	ay		Mr. Lee,	ay	
<i>Connecticut,</i>			Mercer,	ay	} ay
Mr. S. Huntington,	ay	} ay	<i>North Carolina,</i>		
B. Huntington,	ay		Mr. Hawkins,	ay	
<i>New York,</i>			Williamson,	ay	} ay
Mr. Duane,	no	} no	<i>South Carolina,</i>		
L'Hommedieu,	no		Mr. Izard,	ay	
<i>New Jersey,</i>			Beresford,	ay	} ay
Mr. Boudinot,	no	} *			
<i>Pennsylvania,</i>					
Mr. Montgomery,	no	} *			

So it was resolved in the affirmative.

On the question to agree to the amendment as amended, the yeas and nays being required by Mr. [John Francis] Mercer,

<i>Massachusetts,</i>			<i>Connecticut,</i>		
Mr. Gerry,	ay	} ay	Mr. S. Huntington,	ay	} ay
Holten,	ay		B. Huntington,	ay	
Osgood,	ay		<i>New York,</i>		
<i>Rhode Island,</i>			Mr. Duane,	no	} no
Mr. Ellery,	no	} div.	L'Hommedieu,	no	
Howell,	ay				

<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Boudinot,	no	}	Mr. Lee,	ay	}
<i>Pennsylvania,</i>		*	Mercer,	ay	ay
Mr. Montgomery,	no	}	<i>North Carolina,</i>		
<i>Delaware,</i>		*	Mr. Hawkins,	ay	}
Mr. Tilton,	no	}	Williamson,	ay	ay
<i>Maryland,</i>		*	<i>South Carolina,</i>		
Mr. Carroll,	ay	}	Mr. Izard,	ay	}
McHenry,	ay	ay	Beresford,	ay	ay

So the question was lost.

[Report of Mr Hugh Williamson, Mr Arthur Lee, Mr Richard Peters.
Delivered Oct. 20 1783.]

The Committee to whom were referred the memorials of Thomas Hutchins Geographer to the U. S. and the memorial of Mr James Elliot Assistant Geographer beg leave to report:

That on the 4th of May 1781, Congress were pleased to resolve "That Thomas Hutchins be appointed Geographer to the Southern Army with the same pay and emoluments as are allowed to the Geographer to the main army." That the Commander in Chief being consulted on this subject it appears by his letter of the 29th May, 1781, to the Secretary of Congress, that the Geographer to the main army was allowed 4 Dollars per day, and his assistant 2 Dollars per day. That on the 11th of July Mr Hutchins accepted the appointment.

That on the 8th of March, 1782, Captain Jas. Elliot was appointed Assistant Geographer to the U. S. with the pay of 2 Dollars per day on his resigning his claims for half pay after the war.

That on the 12th November, 1782, Congress were pleased to resolve, that whereas no provision had been made by Congress for the Geographers of the U. S., the Geographer of the Main Army and of the Southern Army be allowed each sixty Dollars per month and that the assistants be allowed each 30 Dollars per month. It is clear that Congress on this occasion was of the opinion that 2 Dollars per day was sufficient pay for the Chief Geographer and one dollar for his assistant; but your Committee presume they did not advert to the circumstances or terms on which Mr Hutchins accepted his Commission much less to those on which Capt. Elliot accepted of his. Wherefore your Committee submit the following resolves:

That in settling the accounts of Mr Thomas Hutchins Geographer to the U. S. he be allowed 4 Dollars per day and 4 Rations, from the time of his accepting his Commission to this date, and not longer, the act of the 12th of Nov. 1782 notwithstanding.

That in settling the accounts of Mr James Elliot, Assistant Geographer to the U. S., he be allowed the pay of two Dollars per day and one ration according to the resolution of March the 8th, 1782, in his favor, until the 20th of October 1783 and no longer.

That the Geographers to the U. S. be instructed to deposit in the office of the Secretary at War a copy of whatever surveys have been made in their respective Departments.¹

The Committee [Mr. Hugh Williamson, Mr. Arthur Lee, Mr. Richard Peters] to whom was referred a letter from Mr Simeon De Witt, Geographer to the U. S., submit the following report:

That though a map of the principal theatre of war in the middle states from actual surveys on a large scale is much desired, such a work cannot in prudence be undertaken at the public expence in the present reduced state of our finances.²

The Committee [Mr. Hugh Williamson, Mr. Samuel Osgood, Mr. James Tilton] to whom was recommitted the memorial of General Knox of the 2nd July [June], 1783, submit the following report,

That in consideration of the extraordinary expences which have necessarily attended the command at West Point Major General Knox be allowed the pay of a Major General commanding in a separate department from the time that he has commanded at West Point, exclusive of his extra allowance as commanding officer of artillery, the resolution of the second of April, 1782, notwithstanding, and that the Superintendant of Finance be instructed to cause his accounts to be settled accordingly.³

TUESDAY, OCTOBER 21, 1783

On motion of Mr. [Arthur] Lee, seconded by Mr. [Daniel] Carroll, the motion of Mr. [Elbridge] Gerry, which was under debate yesterday, was taken into consideration.

And a motion was made by Mr. [William] Ellery, seconded by Mr. [Elbridge] Gerry, to amend it by adding thereto:

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, III, folio 225. The indorsement adds: Mr. Hutchins' affair settled May 1785. Elliot agreed 30 June, 1786.

² This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, II, folio 89. It was delivered and read this day, the indorsement states.

³ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, III, folio 377. The indorsement states that it was delivered this day and negatived. See *post*, October 30.

And that until the buildings to be erected on the banks of the Delaware and Potomac shall be prepared for the reception of Congress, their residence shall be alternately at equal periods of not more than one year, and not less than six months in Trenton and Annapolis; and the President is hereby authorised and directed to adjourn Congress on the 12th day of November next, to meet at Annapolis on the 26th of the same month, for the despatch of public business.¹

And on the question to agree to this amendment, the yeas and nays being required by Mr. [John] Montgomery,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Foster,	no } *	Mr. Montgomery,	no } *
<i>Massachusetts,</i>		<i>Delaware,</i>	
Mr. Gerry,	ay } ay	Mr. Tilton,	no } *
Holten,	ay }	<i>Maryland,</i>	
Osgood,	ay }	Mr. Carroll,	ay } ay
<i>Rhode Island,</i>		McHenry,	ay }
Mr. Ellery,	ay } ay	<i>Virginia,</i>	
Howell,	ay }	Mr. Lee,	ay } ay
<i>Connecticut,</i>		Mercer,	ay }
Mr. S. Huntington,	ay } ay	<i>North Carolina,</i>	
B. Huntington,	ay }	Mr. Hawkins,	ay } ay
<i>New York,</i>		Williamson,	ay }
Mr. Duane,	no } no	<i>South Carolina,</i>	
L'Hommedieu,	no }	Mr. Izard,	ay } ay
<i>New Jersey,</i>		Beresford,	ay }
Mr. Boudinot,	no } *		

So it was resolved in the affirmative.

A division was then called for, and on the question, that buildings be likewise erected for the use of Congress at or near the lower falls of Potomac or Georgetown; provided a suitable district on the banks of the river can be procured for a federal town, and the right of soil, and an exclusive jurisdiction or such other as Congress may direct, shall be vested in the United States:

¹ This motion, undated, in the writing of a clerk, except the dates, which are in Ellery's hand, is in the *Papers of the Continental Congress*, No. 36, IV, folio 209.

The yeas and nays being required by Mr. [Richard] Beresford,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	}	Mr. Montgomery,	no	}
<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Gerry,	ay	}	Mr. Tilton,	no	}
Holten,	ay		<i>Maryland,</i>		
Osgood,	ay		Mr. Carroll,	ay	}
<i>Rhode Island,</i>			McHenry,	ay	
Mr. Ellery,	ay	}	<i>Virginia,</i>		
Howell,	ay		Mr. Lee,	ay	}
<i>Connecticut,</i>			Mercer,	ay	
Mr. S. Huntington,	ay	}	<i>North Carolina,</i>		
B. Huntington,	ay		Mr. Hawkins,	ay	}
<i>New York,</i>			Williamson,	ay	
Mr. Duane,	no	}	<i>South Carolina,</i>		
L'Hommedieu,	no		Mr. Izard,	ay	}
<i>New Jersey,</i>			Beresford,	ay	
Mr. Boudinot,	no	}			

So it was resolved in the affirmative.

And on the question to agree to the second part, viz. "and that until the buildings to be erected," &c. to the end, the yeas and nays being required by Mr. [Richard] Beresford,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	no	}	Mr. Montgomery,	no	}
<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Gerry,	ay	}	Mr. Tilton,	no	}
Holten,	ay		<i>Maryland,</i>		
Osgood,	ay		Mr. Carroll,	ay	}
<i>Rhode Island,</i>			McHenry,	ay	
Mr. Ellery,	ay	}	<i>Virginia,</i>		
Howell,	ay		Mr. Lee,	ay	}
<i>Connecticut,</i>			Mercer,	ay	
Mr. S. Huntington,	ay	}	<i>North Carolina,</i>		
B. Huntington,	ay		Mr. Hawkins,	ay	}
<i>New York,</i>			Williamson,	ay	
Mr. Duane,	no	}	<i>South Carolina,</i>		
L'Hommedieu,	no		Mr. Izard,	ay	}
<i>New Jersey,</i>			Beresford,	ay	
Mr. Boudinot,	no	}			

So it was resolved in the affirmative.

The preamble being then taken into consideration, and the same being amended, the whole was agreed to as follows:

Whereas there is reason to expect that the providing buildings for the alternate residence of Congress in two places will be productive of the most salutary effects, by securing the mutual confidence and affections of the states;

Resolved, That buildings be likewise erected for the use of Congress, at or near the lower falls of Potomac or Georgetown; provided a suitable district on the banks of the river can be procured for a federal town, and the right of soil, and an exclusive jurisdiction, or such other as Congress may direct, shall be vested in the United States: and that until the buildings to be erected on the banks of the Delaware and Potomac shall be prepared for the reception of Congress, their residence shall be alternately at equal periods, of not more than one year, and not less than six months in Trenton and Annapolis; and the President is hereby authorised and directed to adjourn Congress on the 12th day of November next, to meet at Annapolis on the twenty-sixth day of the same month, for the despatch of public business.

The Committee [Mr. James Wilson, Mr. John Rutledge, Mr. Nathaniel Gorham, Mr. Abraham Clark and Mr. Alexander Hamilton] to whom was referred the letters and Communications from the Ministers of the United States for negotiating peace and the letter of the 19th Instant from the Secretary for foreign affairs, together with three motions thereon, report to Congress the following Resolutions,

Resolved, That Congress entertain a high sense of the services of their Commissioners in the negotiation of the provisional articles agreed to by them and the Commissioner of his Britannic Majesty, and of the zeal and firmness which they have shewn with so much success for the dignity, the rights and the Interests of the United States.

Resolved, That the said Commissioners be instructed to make to the Court of France ~~an immediate~~ a communication of the separate article entered into with the British Commissioner, to endeavor to have that article excluded from the Treaty with Great Britain; but

if this cannot be accomplished without inconvenience, then to agree that, to whatever power West Florida shall remain or be ceded at the conclusion of the War, its Northern Boundary shall be as it is described in the said separate article.

Resolved, That the Secretary for foreign affairs be directed to inform the said Commissioners, that it is the wish of Congress, that the articles agreed to with the Commissioner of his Britannic Majesty ~~ought to have been~~ had been communicated to the Court of France before they were signed.¹

WAR OFFICE, Oct^r 21, 1783.

SIR,

If Congress will recur to their Act of the 24. Ult^o I am of opinion they will think any proceeding on the within Motion quite unnecessary.²

WEDNESDAY, OCTOBER 22, 1783

In pursuance to the orders of the 18 and 19 of August, the Superintendant of finance transmitted to Congress,

1. An estimate of the foreign and domestic debt of the United States.

2. A computation of interest arrearages on the national debt to the 1 January, 1783, and interest for one year, on a supposition of the same becoming due in 1784.

3. Accounts of the emissions of bills of exchange, drawn by direction of Congress for the payment of interest; and an account of the annual interest that was payable in Europe on loan office certificates.

¹ This report, in the writing of James Wilson, is in the *Papers of the Continental Congress*, No. 25, II, folio 281. The indorsement states that it was read on this day. See *ante*, March 19.

² This report is in the *Papers of the Continental Congress*, No. 149, III, folio 253.

The motion, in the writing of Hugh Williamson, undated, is on folio 252, and is as follows:

“Whereas it is—

That all the troops in the service of the U. S. except the garrisons of West Point and Fort Pitt be discharged.”

On this day a letter of October 18 from John Paul Jones, which was referred to Mr. [Samuel] Huntington, Mr. [Arthur] Lee and Mr. [James] Duane, was read. It is in No. 137, III, folio 207. Committee Book, No. 186, says the committee reported October 29, and No. 191 that the report was acted upon November 1.

4. A statement of Mr. Grand's last account current, on the principles of the former arrangement of his account, dated 19 August, 1782.¹

On the report of a committee, consisting of Mr. [James] Duane, Mr. [William] Ellery and Mr. S[amuel] Huntington, to whom was referred a motion for transmitting copies of the preliminary articles of peace to the respective states;

Resolved, That an exemplification of the provisional articles for restoring peace between the United States of America and Great Britain, and of the act of ratification thereof by the United States, be transmitted to each of the respective states.²

~~And your committee submit the annexed draft of a circular letter to accompany the same.~~

CIRCULAR.

In Congress Princeton 1783.

SIR.

Firmly persuaded that the honor and ~~interest~~ prosperity of the United States must depend on a faithful performance of every national engagement and eminently so, of treaties with Foreign powers, Congress would consider with deep regret any act which might render it impracticable to give a just efficacy to the provisional articles for the restoration of peace, which are expressly stipulated to be inserted in the Definitive treaty. They have therefore directed exemplifications of those provisional articles, and their own ratification thereof to be transmitted to the respective states. ~~This communication is rendered the more necessary as by late advices from the ministers of the United States at the Court of Versailles it appears to be their opinion that it is the most fair and true construction of the 6th Article that it relates to the date of the cessation of hostilities, which date (they observe) is the time when peace in fact took place in consequence of prior informal tho' binding contracts to terminate~~

¹ The estimates enumerated here are to be found in the *Papers of the Continental Congress*, No. 144, folios 133, 140, 147, 151-167. They were enclosed in a letter of October 18, from Joseph Nourse, which is on folio 136, and were transmitted to Congress by Morris, in a letter dated October 21. Morris's letter is on folio 145. The estimates were entered in No. 12, *Book of Estimates*, and not in the Journal.

² This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

~~the war. The definitive treaty they conceive as only giving the dress of form to those contracts and not as constituting their obligation. Congress however conceive it would be premature to send forward the recommendation stipulated by the said articles until the exchange of the ratification thereof by the Court of Great Britain shall be formally announced or at least till the British forces shall be withdrawn from the United States.~~

~~I am with great respect~~

Your Excellency's most obedient humble servant.¹

His Excellency.

The committee, consisting of Mr. [James] Duane, Mr. [Daniel] Carroll and Mr. [Richard] Peters, to whom was referred a motion of Mr. [Richard] Peters, together with an application of the legislature of Pennsylvania, relative to the purchase of the Indian claim of land within the jurisdiction of that State; report,

That it appears to them, that the application of the legislature of Pennsylvania, relative to a treaty for the purchase of the Indian claim to lands within the jurisdiction of that State, proceeded from a respectful attachment to the federal government, and a desire to guard against prejudices which might arise from the interference of their own particular views with the authority of the United States: That the public interest might have been deeply affected by a negotiation for such purchase independent of, and unconnected with the general treaty to be holden on behalf of the United States. For, in the opinion of the committee, the idea of a division of councils, of separate interests, and a competition in purchase which two distinct treaties must have impressed on the minds of the Indians, could not but

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 29, folios 331-333. The following, without date, in the writing of James Madison, is on folio 335:

"That as an exemplification of the articles, concluded on the — day of — between the Minister Plenipo. of the United States and the King of G. B. as ratified by Congress on the — day of — be transmitted to each of the states and that they be informed that Congress deem it indispensable to the honor of the Confederacy, and to the principles of good faith, that every act within the states respectively should be forborne which may tend to render any of the stipulations in the said articles hereafter impracticable on the part of the U. S."

have had a tendency to diminish the dignity and authority of our government in their estimation, and expose both the United States and the individual State to unreasonable and extravagant impositions, and our public councils to great embarrassments. The committee, therefore, think it proper that it should be

Resolved, That the commissioners for holding the convention with the Indians under the act of the 15 day of October instant, give notice to the supreme executive of the State of Pennsylvania, of the time and place of holding such treaty, to the end, that the persons to be appointed by that State, for purchasing lands within the limits thereof, at the expence of the said State, may attend at the time and place appointed for holding the said treaty: and the commissioners on the part of the United States, are instructed to give every aid in their power, to the commissioners on the part of Pennsylvania, in such manner as will best promote the object which the said State shall have in view, and not be incompatible with the national interests which the United States propose by the said treaty.¹

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [David] Howell, to strike out the words "and not be", before incompatible, and in lieu thereof to insert, "provided nothing shall be done by virtue of this resolve":

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Foster,	ay	}	Mr. S. Huntington,	no	}
<i>Massachusetts,</i>			B. Huntington,	no	
Mr. Gerry,	ay	}	<i>New York,</i>		}
Holten,	ay		Mr. Duane,	no	
Osgood,	ay		L'Hommedieu,	no	
<i>Rhode Island,</i>			<i>New Jersey,</i>		
Mr. Ellery,	ay	}	Mr. Boudinot,	no	}
Howell,	ay				

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 20, II, folio 165.

<i>Pennsylvania,</i>				<i>Maryland,</i>				
Mr. Fitzsimmons,	no	} no		Mr. Carroll,	no	} no		
Wilson,	no			McHenry,	no			
Montgomery,	no			<i>Virginia,</i>				
Peters,	no			Mr. Madison,	no	} no		
<i>Delaware,</i>				Lee,	no			
Mr. Tilton,	ay	no	*	Mercer,	ay			
				<i>North Carolina,</i>				
				Mr. Hawkins,	ay	}		*

So the question was lost.

On the question to agree to the report of the committee, the yeas and nays being required by Mr. [John] Montgomery,

<i>New Hampshire,</i>				<i>Pennsylvania,</i>			
Mr. Foster,	ay	}	*	Mr. Fitzsimmons,	ay	}	ay
<i>Massachusetts,</i>				Wilson,	ay		
Mr. Gerry,	no	}	no	Montgomery,	ay		
Holten,	no			Peters,	ay		
Osgood,	no			<i>Delaware,</i>			
<i>Rhode Island,</i>				Mr. Tilton,	ay	}	*
Mr. Ellery,	no	}	no	<i>Maryland,</i>			
Howell,	no			Mr. Carroll,	ay	}	ay
<i>Connecticut,</i>				McHenry,	ay		
Mr. S. Huntington,	ay	}	ay	<i>Virginia,</i>			
B. Huntington,	ay			Mr. Madison,	ay	}	ay
<i>New York,</i>				Bland,	no		
Mr. Duane,	ay	}	ay	Lee,	ay		
L'Hommedieu,	ay			Mercer,	ay		
<i>New Jersey,</i>				<i>North Carolina,</i>			
Mr. Boudinot,	ay	}	*	Mr. Hawkins,	ay	}	ay
				Williamson,	ay		

So the question was lost.

The Committee [Mr. Hugh Williamson, Mr. Abraham Clark and Mr. Theodorick Bland] to whom was referred the memorial of J. Lucas of May 19th 1783 respecting the settlement of his accounts submit the following resolves:

That the Superintendent of Finance cause the accounts produced by Mr Jno. Lucas who was appointed by the State of Massachusetts to examine the claims of wounded soldiers and seamen in the service of the U. S. to pensions in pursuance to certain resolutions of Congress of the 26th of August 1776 to be settled so far as respects advances made to such wounded soldiers and seamen according to such reso-

lutions in order that the State of Massachusetts may be credited for the same;

And with respect to compensation claimed by Mr Lucas, the Committee are not possessed of any data from which they might estimate the value of his services; but they are informed that in most of the States the ~~duty~~ humane office performed by Mr Lucas has been discharged by the respective Executives without making any charge against the U. S. Wherefore your Committee submit the following Resolve:

That it be recommended to the State of Massachusetts to make such compensation to Mr John Lucas, as they may think him entitled to for his services in attending to the claims of wounded soldiers and seamen.¹

The Committee consisting of Mr S[amuel] Huntington Mr [Arthur] Lee, and Mr [James] Duane to whom the plan of a treaty with Denmark was referred, beg leave to Report,

That having examined the proposed plan they do not find it contravene any treaty of Commerce now subsisting between the U.S. and any other power.

But they find that the reciprocity and equality which should be the basis of the Treaty are not preserved in reality tho [they] are in appearance in the 2nd and 3^d articles which are the most material as stipulating the extent and modification of our commercial rights under the proposed Treaty. In these articles it is proposed, that the Citizens and subjects of the contracting parties respectively, shall have free access to the Country and Harbours of each other, there to reside and traffic in all sorts of merchandize and goods, the importation or exportation of which is not or shall not be hereafter prohibited, and in all places where the navigation or commerce are not or shall not be reserved to the Citizens or inhabitants alone of the respective Powers. Now, as there are no places in the U. S. where such restrictions prevail and there are many such under the dominion of Denmark such as Iceland, Greenland, Finnarsen, Ferro, Tranquebar, St. Croix, St. Thomas and St. Johns, it is plain that the exception can operate only against the Citizens and subjects of the United States and consequently that it is not reciprocal nor equal.

Your Committee observe that the Minister of the King of Denmark took exception upon the same ground to the stipulation proposed on our part, that the Citizens and subjects of the contracting powers should mutually enjoy all the privileges and exemptions which are

¹ This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 19, III, folio 617. The indorsement shows that it was delivered and read on this day.

granted to the most favored nations, because there being no favored nation in the commerce of the U. S. and there being such in that of Denmark there was no reciprocity in the stipulation.

It appears to your Committee that the places mentioned above are by far the most important in the commerce of the U. S. with the Kingdom of Denmark and the dominions thereunto belonging, so that the Danish Minister proposes in the explanation of his plan, that after the conclusion of the general Treaty, a particular convention shall be made for trading with the West India Islands; But your Committee think that these objects might be better obtained by altering the 2nd and 3rd articles in the manner following.

ARTICLE 2^d.

The subjects of his Majesty the King of Denmark and Norway shall have free access to the Countries, Islands, Ports, and Harbours of the U. S. there to reside and traffic in all sorts of goods and merchandize—the importation or exportation of which are not, or shall not be prohibited, and they shall pay in the Ports, Havens, Harbours, Countries, Islands, Cities or Towns of the U. S. or any of them, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the citizens of the U. S. themselves pay; and they shall enjoy all the rights liberties, privileges, immunities and exemptions in trade navigation and commerce, whether in passing from one Port in the said States to another, or in going to or from one Port in the said States to another, or in going to or from the same from and to any part of the world which the said citizens enjoy. And the said subjects of Denmark shall conform themselves to the Laws and Ordinances which are or shall be made relative to trade and commerce within the U. S. not contravening this Treaty, in like manner as the Citizens of the said U. S. are bound to observe them.

ARTICLE 3rd.

The Citizens and Inhabitants of the U. S. shall have free access to the Countries, Islands, Ports, and Harbours belonging to or under the dominion of the Crown of Denmark there to reside and traffic in all sorts of goods and merchandize, the importation or exportation of which are not or shall not be prohibited, and they shall pay in the Ports, Havens, Harbours, Countries, Islands, Cities or Towns of the Kingdom of Denmark and the dominions thereunto belonging, or any of them, no other or greater duties or imposts of what nature soever they may be or by what name soever called, than those which the subjects of the Crown of Denmark themselves pay, and they shall

enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce whether in passing from one port in the said States to another, or in going to or from the same, from and to any part of the world which the said subjects enjoy. And the said Citizens of the U. S. shall conform themselves to the Laws and Ordinances which are or shall be made relative to trade and commerce with the Kingdom of Denmark and the Territories thereunto belonging, not contravening this Treaty, in like manner as the said subjects are bound to observe them.¹

THURSDAY, OCTOBER 23, 1783

The order of the day being called for, to take into consideration the report of a committee on a military peace arrangement,

The Committee consisting of Mr [Alexander] Hamilton, Mr [James] Madison, Mr [Oliver] Ellsworth, Mr [James] Wilson and Mr [Samuel] Holten, "appointed to take into consideration the arrangements proper to be taken in case of a general peace" observe with respect to a Military peace establishment that before any plan can with propriety be adopted it is necessary to enquire what powers exist for that purpose in the Confederation.

By the 4th clause of the 6th Article, it is declared that "no vessels of war shall be kept up by any State in time of peace except such number only as shall be deemed necessary by the United States in Congress Assembled for the defence of such State or its trade, nor shall any body of forces be kept up by any State in time of peace, except such number only as in the judgment of the United States in Congress Assembled shall be deemed requisite to garrison the forts necessary for the defence of such State."

By the 5th clause of the 9th Article the United States in Congress Assembled are empowered generally and without mention of peace or war "to build and equip a navy, to agree upon the number of land forces and to make requisitions from each State for its quota in proportion to the number of white inhabitants in each State, which requisition shall be binding and thereupon the legislature of each

¹ This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 25, II, folio 315. The indorsement states that it was delivered on this day, entered and read. According to the record in Committee Book No. 191, it was taken up in December by the committee on the letters from Ministers at Paris.

Also, was read a letter of August 25 from Governor Lyman Hall of Georgia relative to payment of debts and representation. It is in No. 73, folio 307.

State shall appoint the Regimental officers, raise the men and cloathe, arm and equip them in a soldier like manner at the expence of the United States, and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress Assembled."

By the 4th clause of the same article the United States are empowered "to appoint all officers of the land forces except Regimental officers, to appoint all officers of the naval forces, and to commission all officers whatever in the service of the United States, making rules for the government and regulation of the said land and naval forces and directing their operations."

It appears to the Committee that the terms of the first recited clause are rather restrictive on the particular states than directory to the United States—intended to prevent any State from keeping up forces, land or naval, without the approbation and sanction of the Union, which might endanger its tranquillity and harmony, and not to contravene the positive power vested in the United States by the subsequent clauses or to deprive them of the right of taking such precautions as should appear to them essential to the general security. A distinction that this is to be provided for in time of war by the forces of the Union, in time of peace, by those of each State, would involve, besides other inconveniences, this capital one, that when the forces of the Union should become necessary to defend its rights and repel any attacks upon them, the United States would be obliged to *begin to create*, at the very moment they would have occasion to *employ* a fleet and army. They must wait for an actual commencement of hostilities before they would be authorised to prepare for defence, to raise a single regiment, or to build a single ship. When it is considered what a length of time is requisite to levy and form an army and still more to build and equip a navy, which is evidently a work of leisure and of peace requiring a gradual preparation of the means, there cannot be presumed so improvident an intention in the Confederation, as that of obliging the United States to suspend all provision for the common defence till a declaration of war, or an invasion; if this is admitted, it will follow that they are at liberty to make such establishments in time of peace, as they shall judge requisite for the common safety. This is a principle of so much importance in the apprehension of the Committee to the welfare of the Union, that if any doubt should exist as to the true meaning of the first mentioned clause it will in their opinion be proper to admit such a construction as will leave the general power vested in the United States by the other clauses in full force, unless the states respectively or a

majority of them shall declare a different interpretation. The committee however submit to Congress (in conformity to that spirit of candor and to that respect for the sense of their constituents which ought ever to characterize their proceedings) the propriety of transmitting the plan which they may adopt to the several states to afford an opportunity of signifying their sentiments previous to its final execution.

The Committee are of opinion, if there is a Constitutional power in the United States for that purpose, that there are conclusive reasons in favor of federal in preference to state establishments.

First. There are objects for which separate provision cannot conveniently be made—posts within certain districts, the jurisdiction and property of which are not yet constitutionally ascertained territory appertaining to the United States not within the original claim of any of the States; the navigation of the Mississippi and of the Lakes; the rights of the fisheries, and of foreign commerce; all which belonging to the United States, depending on the laws of nations, and on treaty, demand the joint protection of the Union, and cannot with propriety be trusted to separate establishments.

Secondly. The fortifications proper to be established ought to be constructed with relation to each other on a general and well digested system and their defence should be calculated on the same principles. This is equally important in the double view of safety and œconomy. If this is not done under the direction of the United States, each State following a partial and disjointed plan, it will be found that the posts will have no mutual dependence or support, that they will be improperly distributed, and more numerous than is necessary as well as less efficacious, of course more easily reduced and more expensive both in the construction and defence.

Thirdly. It happens that from local circumstances particular states, if left to take care of themselves, would be in possession of the chief part of the standing forces and of the principal fortified places of the Union, a circumstance inconvenient to them and to the United States; to them because it would impose a heavy exclusive burthen, in a matter the benefit of which will be immediately shared by their neighbors and ultimately by the states at large; to the United States, because it confides the care of the safety of the *whole* to a *part*, which will naturally be unwilling, as well as unable, to make such effectual provision at its particular expence as the common welfare requires, because a single State from the peculiarity of its situation will in a manner keep the keys of the United States, because, in fine, a considerable force in the hands of a few states may have an unfriendly

aspect on the confidence and harmony which ought carefully to be maintained between the whole.

Fourthly. It is probable that a provision by the United States of the forces necessary to be kept up will be made upon a more systematic and æconomical plan than a provision by the states separately, especially as it will be of importance, as soon as the situation of affairs will permit, to establish founderies, manufactories of arms, powder &c. by means of which the labor of a part of the troops applied to this purpose will furnish the United States with those essential articles on easy terms, and contribute to their own support.

Fifthly. There must be a corps of Artillery and Engineers kept on foot in time of peace, as the officers of this corps require science and long preliminary study and cannot be formed on an emergency; and as the neglect of this institution would always oblige the United States to have recourse to foreigners in time of war for a supply of officers in this essential branch, an inconvenience which it ought to be the object of every nation to avoid. Nor, indeed, is it possible to dispense with the service of such a corps in time of peace, as it will be indispensable not only to have posts on the frontier, but to have fortified harbors for the reception and protection of the fleet of the United States. This corps requiring particular institutions for the instruction and formation of the officers, cannot exist upon separate establishments without a great increase of expence.

Sixthly. It appears from the annexed papers, No. 1 to 4, to be the concurrent opinion of the Commander in Chief, the Secretary at War, the Inspector General and the Chief Engineer, not only that some military establishment is indispensable, but that it ought in all respects to be under the authority of the United States as well for military as political reasons. The plan hereafter submitted on considerations of æconomy is less extensive than proposed by either of them.

The Committee upon these principles submit the following plan:

The military peace establishment of the United States, to consist of four regiments of infantry and one of artillery, incorporated in a corps of engineers with the denomination of the Corps of Engineers. Each regiment of infantry to consist of two battalions, each battalion of four companies and each company of sixty-four rank and file, with the following commissioned and non commissioned officers, pay, rations and cloathing, to be however recruited to one hundred and twenty-eight rank and file in time of war, preserving the proportion of corporals to privates.

D	32	Sergeants, 4 to each company-----	5	1						ditto.
	64	Corporals, included in rank and file, 8 to each company-----	3	1						ditto.
	448	Privates 56 to each company-----	2	1						ditto.
	16	Drums and Fifes 2 to each company-----	2	1						ditto.
	601 ¹	Total.								

¹ Up to this point, a copy of the report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 38, folios 335-340.

REMARKS.

A. The pay of these three ranks is high in proportion for these reasons: It makes those ranks an object which will prove an inducement to proper characters to enter into the army and it is for the safety and honor of the community to have their army respectably officered. The number of the higher ranks being small, the increase of pay does not add much to the aggregate expence and in its consequences conduces to œconomy; for the hope of attaining to those ranks induces those in inferior grades to be content with small pay, and those being numerous there is a saving upon the whole.

It ought also to be observed that in the pay is included subsistence, that is the value of the extra rations heretofore allowed to officers, which makes the difference not so great between the present and former pay as it at first appears.

B. The pay of the subalterns is considerably lower than formerly. Instead of Ensigns, Second Lieutenants are proposed, because the Ensign is properly speaking the standard bearer, and one standard bearer or Ensign to each battalion is sufficient, who may be taken out of the second L^{ts}. The Regimental staff are also to be taken out of this class, because its pay is the lowest, and because the having served in these offices will better qualify officers for the superior stations. It is necessary to have an extra number of officers for these purposes, because three officers to a company so large as is here proposed are not more than sufficient and none can be taken away without injury to the service; and there is besides an obvious propriety, that whatever number of officers may be deemed necessary to command a company should serve in it, and none be detached for any other purpose. It may be remarked here that the companies are large, which will have two good effects; it will promote œconomy by having a smaller proportion of officers to a given number of men, and it will render their commands more respectable.

C. It is to be desired that each battalion should be as complete in itself as possible, in case of one being detached from the other; and as the battalions are large, one of each of these inferior staff to a battalion will find full employment.

D. The proportion of Corporals will be as one to seven; this will be found beneficial in several ways—the number of corporals (who

from the mere circumstance of being distinguished from the others having a better opinion of themselves, will of course be better soldiers, and being mixed with the others will render the whole better. Every seven men also being put constantly under the direction of a particular Corporal to be answerable for the good behavior of his squad will have a happy influence on discipline and good order.

1	Chaplain	40	---	---	---	---	---	---	+	+	+
1	Surgeon	40	---	---	---	---	---	---	+	+	+
1	Mate (finding his own horse)	30	---	---	---	---	---	---	+	+	+
2	Sergeant Majors 1 to each Colonel	8	---	---	---	---	---	---	+	+	+
2	Quarter Master Sergeants do	8	---	---	---	---	---	---	+	+	+
2	Trumpet majors do	8	---	---	---	---	---	---	+	+	+
8	Farriers	8	---	---	---	---	---	---	+	+	+
16	Saddlers	8	---	---	---	---	---	---	+	+	+
2	Riding Masters	10	---	---	---	---	---	---	+	+	+
32	Sergeants	4	---	---	---	---	---	---	+	+	+
64	Corporals included in R and file	8	---	---	---	---	---	---	+	+	+
102	Privates	2	---	---	---	---	---	---	+	+	+
8	Trumpeters	2	---	---	---	---	---	---	+	+	+

Total 364

REMARKS

A The general idea of this establishment is to allow no greater emoluments than to the infantry; for there is no good reason for preferring one service to the other. Where the pay is increased it is in consideration that the persons are obliged to find themselves with horses by which they incur an additional expence. This corps serving much on detachment the number of officers in proportion to the men is much greater than in the infantry.

A. The corps of Engineers to consist of one Regiment or two battalions of Artillery, each battalion consisting of four companies each company of ~~forty-two~~ sixty four rank and file; and of a corps of Artificers, with the following commissioned and non commissioned officers, pay and other emoluments.

	Number Per-sons.	Rank.	Pay p ^r month in dollars.	Rations per day.	Cloathing.	Rations, For- age per day.
B.....	1	Major General Commandant (Vide General Staff).....				
	1	Colonel.....	110	1		2
	2	Lt Colonels.....	80	1		2
	4	Majors.....	75	1		2
C.....	16	Captains, 1 to each company.....	60	1		1
	16	First Lieut ^s , 2 to each company.....	30	1		
	19	2 ^d do.....do., including Paymaster, Q ^r M ^r , Adjutant.....	25	1		
		Quartermaster extra pay &c.....	15			1
		Paymaster.....do.....	15			1
D.....		Adjutant.....do.....	12			1
	1	Professor of Mathematics.....	400	1		
	1	Professor of Chemistry.....	400	1		
	1	Professor of Natural Philosophy.....	400	1		
	1	Professor of Civil Architecture.....	400	1		
	1	Drawing Master.....do.....		1		
		Commissary of Military stores.....	75	1		2
		Deputies, each.....	40	1		1
	5	Conductors as many as may be found necessary to be ap- pointed out of the non commissioned officers with the additional pay of 2 dollars per month.				

1	Chaplain	40	1	1
1	Surgeon	40	1	1
1	Mate	20	1	1
1	Sergt Major to each battalion	8	1	the same as the Infantry.
2	Qr M ^r Serjants to each battalion	8	1	
1	Drum and Fife Major	8	1	
32	Serjeants 4 to each company	6	1	
32	Bombardiers do included in rank and file	4	1	
384	Cannoniers, 48 to each company	3	1	
96	Sappers and miners 12 to do	3	1	
16	Drums and Fifers 2 to do	3	1	
Total			630	

CORPS OF ARTIFICERS.

Number	Per- sons.	Trades.	Pay per month in dollars.	Rations per day.	Cloathing.	Rations Forage per day.
		<i>1st Class.</i>				
1		Master founder in brass				
1		ditto.....Iron				
1		Master Armourer.....				
1		Master Engraver.....				
1		Master Cutler.....				
1		Master Blacksmith.....				
1		Master Carpenter.....				
1		Master Wheelwright.....				
1		Master Mason.....				
1		Master Saddler.....				
1		Master Manufacturer of Cartrige boxes &c.....				
		<i>of the second class.</i>				
4		Founders in brass and iron.....				
4		Armourers.....				
2		Cutlers.....				
2		Blacksmiths.....				
2		Carpenters.....				
2		Wheelrights.....				
2		Masons.....				
2		Saddlers.....				
2		Manufacturers of Cartrige boxes &c.....				
		<i>of the third or ordinary class.</i>				
4		founders in brass and iron.....				
20		armourers.....				
12		Cutlers.....				
30		Blacksmiths.....				
30		Carpenters.....				
20		Wheelrights.....				
12		Masons.....				
6		Saddlers.....				
6		Manufacturers of Cartrige boxes &c.....				
2		Powder Makers.....				

CORPS OF ARTIFICERS—Continued.

Number	Per- sons.	Trades.	Pay per month in dollars.	Rations per day.	Cloathing.	Rations Forage per day.
2		Turners				
2		Tinmen				
2		Brickmakers				
2		Potters				
1		Glasier				
2		Cabinet Makers				
1		Locksmith				
1		Spur maker				
1		Tanner				

The ration of provision to consist of 1 pound of bread or flour, or Rice, $\frac{3}{4}$ of a pound of salt or 1 lb of fresh beef pork or fish, one gill of vinegar, and half a gill of salt; each part of the ration to be estimated as follows and when not furnished to the troops in service to be paid for at the rates annexed to each.

Bread	2 $\frac{1}{4}$
Meat	3 $\frac{1}{4}$
gill of vinegar	$\frac{1}{4}$
salt	$\frac{1}{4}$
	<hr/>
	$\frac{6}{90}$ of a dollar

Officers if they prefer it to be at liberty to receive the value of the ration in money.

All the troops to be obliged to receive fish, two days in the week.

No Regiment to be allowed to draw rations for more than four women to serve as nurses in the Regimental hospitals and to receive four dollars per month in addition to a ration per day.

A weekly allowance of soap to be made at the rate of for each commissioned officer and for each non commissioned officer or private, all persons entitled to provisions to be entitled to soap at the same rate.

The ration of forage to consist of the following articles to be estimated at the rates annexed to each.

12 lb hay	7/90
8 quarts of oats or other grain equivalent	5/90
	<hr/>
	12/90

When officers entitled to forage are absent from their corps on duty and cannot draw it they shall be paid for it at the rates above-mentioned, which shall also be done as to any articles not furnished when with their corps.

F. The articles of cloathing, already enumerated to be furnished to the non commissioned officers, soldiers and others, to be estimated at the following rates: and when not furnished to be paid for accordingly; also when more than the stipulated allowance shall be furnished, there shall be a deduction from the pay at the same rates, viz.

	dollars
1 Coat	5
1 Jacket	1 $\frac{6}{90}$
1 p ^r overalls	1 $\frac{4\frac{1}{2}}{90}$
1 linnen frock	1
2 do overalls each 1 dollar	2
2 do shirts each 1 $\frac{1}{3}$ do	2 60/90
2 leather stocks each 12/90 of a dollar	24/90
4 p ^r shoes each 1 dollar	4
1 Hat	60/90

Cavalry:

~~2 pr. leather breeches.~~
~~2 pr. stockings.~~
~~2 pr. boots.~~

The idea of the Confederation being adhered to, the number of troops to be raised must be distributed to the several states according to the proportion of their respective populations; and each must appoint Regimental officers in proportion to the number of men it furnishes but as no State will have to furnish a complete Regiment this apportionment of the officers will become extremely difficult, if not impracticable, on any satisfactory footing, and the filling up vacancies as they arise will create endless perplexity. It would be much to be preferred that the states could be induced to transfer this right to Congress and indeed without it there can never be

regularity in the Military system. It would also be much the best that the men should be enlisted under Continental direction, which will be a more certain and more frugal mode; for if it is to be done by the particular states they will raise the price of the men by competition, and the United States will be obliged to pay for any mismanagement or extravagance which may happen, though without their participation or control.

The officers however to command the different corps in the first instance may with propriety be ~~appointed~~ reserved out of those now in service who are willing to continue in the military line; provided that such as are retained shall not be entitled to the half pay for their services during the war.

All promotions to be made Regimentally to the rank of Major inclusively, according to seniority; and from that rank upwards, in the line of the army, according to the same rule; the officers of Dragoons and Infantry rolling together without distinction of corps.

The promotion in the Engineers to be distinct and according to seniority in that corps.

Provided, that no officer whatsoever shall consider it as a violation of his rights if another receives an extra promotion in the corps on account of brilliant services or peculiar talents.

And in order that such extra promotion may not depend on misrepresentation, it shall not be made but on the recommendation of the Commander of the Army, accompanied by the facts and reasons upon which it is founded, and with the opinion of the officer commanding the corps in which the promotion is to be made, all which shall be reported to Congress, by the Secretary at War, with his opinion concerning the same.

All non commissioned officers and privates to be engaged for six years; ~~and each Regiment to be allowed rations for a certain number of women, at the rate of~~ ~~women to every~~ ~~men,~~ with this condition, that if a war should break out during the time, they shall be obliged to serve to the end of it.

FORTIFICATIONS.

The fortifications necessary to be kept up are of two kinds, land and naval; the first for internal security, the last for the protection of the fleets of the United States. As to the first kind, there are many important posts already existing, several of which it will be essential

to occupy and guard till more permanent provision can be made on a general plan. For this Congress have already made temporary provision by their resolution of the . If the time therein limited should be likely to expire before a general system can be adopted, it can be prolonged.

The Committee are of opinion that the principles laid down by Major General Du Portail, Chief Engineer, in the Memorial annexed to this report, so far as they respect merely the article of fortifications are in general sound and just; and that it will be expedient for Congress, so soon as they have determined on the establishment of the Corps of Engineers to instruct the head of that Corps to make a survey of the points proper to be fortified and to digest a general plan, proportioned to the Military establishment of the United States, to be laid before Congress for their consideration.

ARSENALS AND MAGAZINES.

The Committee are of opinion that it will be proper for Congress to keep constantly on foot Arsenals and Magazines of such articles as are not of a perishable nature, in different parts of the United States, equal to the complete equipment of ~~twenty~~ thirty thousand men, for the field or for a siege calculated on a three years' supply; and that in this view it will be proper to select the following places of deposit: Springfield, in the State of Massachusetts; West Point and its dependencies, State of New York; Carlisle, State of Pennsylvania; some convenient position on James River, to be reconnoitred for that purpose; Camden, State of South Carolina.

All the Artillery and Military stores in the possession of the United State to be distributed to these deposits in equal proportions, and as soon as may be, deficiencies in the proposed quantity to be made up, so that each deposit may suffice for six thousand men.

MILITARY ACADEMIES.

The Committee are of opinion that the benefit of such institutions rarely compensates for the expence; that Military knowledge is best acquired in service; that with respect to those branches of service which are of a more scientific nature, the professors proposed to be attached to the Corps of Engineers, will produce substantially all the utility to be expected from academies; that at all events institutions of this kind can only be an object of future consideration.

FOUNDERIES AND MANUFACTORIES.

The Committee are of opinion that as soon as the situation of public affairs will permit, it ought to be a serious object of our policy to be able to supply ourselves with all articles of first necessity in war, and in this view to establish founderies of cannon, manufactories of arms, powder &c.

There are two reasons which appear to them conclusive for this: the first that every country ought to endeavour to have within itself all the means essential to its own preservation, as to depend on the casualties of foreign supplies is to render its own security precarious; the second, that as it will be indispensable to keep up a Corps of Artillery and some other troops, the labour of a part of these, bestowed upon the manufactories will enable the public to supply itself on better and cheaper terms than by importation. The Committee propose that the Secretary at War be directed to lay before Congress a plan in detail for this purpose, designating the places where those founderies and manufactories can be erected with advantage, the means to be employed and the expence to be incurred in the execution.

GENERAL STAFF.

The Committee are of opinion that ~~as soon as the situation of public affairs will permit~~ a general staff in time of peace (except a general officer to command the troops, another to command the Corps of Engineers and Artillery and an Inspector General) ought to be dispensed with, as all the purposes may be answered by the war department, by contracts, and by the Regimental Staff.

The pay of the officers here mentioned and other emoluments to be as follows:

	Pay per month in dollars	Rations per day	Rations, Forage per day.	Dollars pay and subsistence
Genl Commanding the troops.	300	-----	Indefi- nite.	-----
Major Genl Commanding Engs.	200	as Inspector Genl.		250
Inspector General. -----		as at present.		250

In time of war, two Regiments to compose a Brigade, and a Brigadier General to be appointed to each Brigade with 200 dollars pay per month and 5 rations of Forage per day.

GENERAL HOSPITAL.

A general hospital for the reception of the invalids of the Army and Navy will be necessary to consist for the present of the following persons:

	Pay per month. Dollars.
1 Director to have at the same time the Superintendence of the Regimental Hospitals	80
1 Surgeon	50
4 Mates	each 25
1 Purveyor and Apothecary	50
1 Steward	15
1 Matron	8
4 Nurses	each 5

To be entitled to draw each a ration of provisions per day, but to no other allowance.

The invalids to receive one dollar per month, and the provisions and cloathing of a common soldier during life.

Not quite exact but very near the truth.	The total expence of this establishment if complete as reduced in peace, would amount to	359, 530
	about	531, 950
	Deduct the product of the manufactories which is estimated at	131, 950
	Balance an annual charge upon the United States	\$227, 580 400, 000

~~G Should Congress think this expence too considerable for the immediate circumstances of the United States, the following methods may be taken to diminish it, till they are more in a condition to bear it.~~

~~The companies of infantry may for the present be recruited to only 64 rank and file each.~~

~~The regiment of dragoons and the corps of artificers may be suspended.~~

~~It would be advisable to determine on the establishment generally and suspend the execution of these parts. Cavalry is an arm which it would be inexpedient to neglect; as in case of war it would always be of great importance in the Southern States, and the knowledge of its principles and uses ought to be preserved. It will be best to appoint the commissioned officers by which many valuable officers will be retained; and as their half pay will be absorbed in their full pay the additional expence will be inconsiderable.~~

~~It will also be proper to engage at once the Founders, armourers, and a few others of the corps of artificers.~~

~~The deductions of expences by these methods may be estimated at 191,950 which taken out of the total expence of the proposed establishment will leave a balance of annual expence of 340,000.~~

~~The whole establishment ought on principles of economy to be preferred as soon as it can be carried into execution for the value of the manufactures will greatly exceed the difference of expence.~~

The Committee are of opinion that this expence is ~~unavoidable~~ necessary and that the only question is whether it shall be borne by the United States, or by particular states; in which last case it is probable it will be increased for want of general system. Tho considerations already stated leave no doubt with the Committee in what manner the question ought to be decided.

MILITIA.

The Committee are also of opinion that, in considering the means of national defence, Congress ought not to overlook that of a well regulated militia; that as the keeping up such a militia and proper arsenals and magazines by each State is made a part of the Confederation, the attention of Congress to this object becomes a constitutional duty; that as great advantages would result from uniformity in this article in every State, and from the militia establishment being as similar as the nature of the case will admit to that of the Continental forces, it will be proper for Congress to adopt and recommend a plan for this purpose.

The Committee submit the following outlines of such a plan which if thought necessary may be digested and improved.

All the free male inhabitants in each state from 20 to fifty, except such as the laws of the State shall exempt, to be divided into two general classes; one class to consist of married and the other class of single men.

Each class to be formed into corps of Infantry and Dragoons, organized in the same manner as proposed for the regular troops.

Those who are willing to be at the expence of equipping themselves for Dragoon service to be permitted to enter into that corps, the residue to be formed into Infantry; this will consult the convenience and inclinations of different classes of citizens.

Each officer of the Dragoons to provide himself with a horse, saddle &c. pistols and sabre, and each non-commissioned officer and private with the preceding articles and these in addition, a carbine

and cartouch box, with twelve rounds of powder and ball for his carbine, and six for each pistol.

Each officer of the Infantry to have a sword, and each non-commissioned officer and private, a musket, bayonet and cartouch box, with twelve rounds of powder and ball.

The corps of single men to be obliged to assemble for inspection and exercise once in two months by companies, and once in ~~six~~ four months regimentally; to be subject to proper penalties in case of delinquency.

The corps of married men, to be obliged to assemble for the same purpose, and subject to like penalties once in three months by companies, and once in six months regimentally.

When the State itself is invaded, the corps of either class indifferently to be obliged to take the field for its defence, and to remain in service one year, unless sooner relieved by special order.

When another State is attacked, and it is necessary to march to its succour, one half of all the corps of single men shall be obliged to take their tour of duty first and to serve for the same period, to be succeeded for a like period, by one half of all the Corps of married men; and then alternately.

In addition to these two classes there shall be a third under a particular denomination as fencibles, fusileers, train bands or whatever else may be thought proper, with the same organization as the infantry of the other classes, but composed as follows:

Of all such of either of the two other classes inhabiting cities or incorporated towns as will voluntarily engage to serve for the term of eight years, provided they shall not exceed the proportion of one to fifty of all the enrolled militia of the State, and provided that if a war breaks out, they shall be obliged to serve three years after they take the field and to march wherever the service may require.

The conditions on the part of the public to be these: each non commissioned officer and soldier to be furnished with a musket bayonet and cartouch box, and every two years with a suit of uniform, consisting of a coat jacket, and breeches of cloth; the arms and accoutrements to become his property at the end of his time of service.

These corps to be obliged to assemble regimentally once a month for exercise and inspection, with a power in the officer commanding each company to assemble his company once in the interval of each regimental assembling, the better to perfect them in the exercise; the non-commissioned officers and privates, to be entitled to 1/12 of a dollar for each day of assembling.

The officers of this corps to have equality of rank with the officers of the army, and to take precedence of the officers of the militia, that is every officer, of the train bands, shall command every officer of the two other classes of equal grade, without regard to date of commission. This preference will induce proper persons to accept commissions in the train bands, and be at the extra trouble which that service will require.

Any of the militia when in service to be entitled to the same emoluments as the regular troops or in lieu of cloathing to the two first classes, to the addition of one dollar per month of pay.

The Committee are of opinion, that with a view to either of the proposed establishments, it will be proper to direct the Commander in Chief to appoint a Board of officers, the Inspector General, Commandant of Artillery and Chief Engineer being members, to revise the regulations for the army of the United States, and to digest a general ordinance for the service of all the troops of the United States, and another for the service of the militia, and to transmit both with his observations to Congress for their consideration, the latter when approved to be recommended to the several states.

The expence of the Militia establishment will amount to about 60,000 dollars per annum, a sum which may be nearly defrayed out of the militia fines if properly managed.

The present population will afford about 8000 of the 3^d Class.

REMARKS.

A. Corps of Engineers. The Artillery and Engineers are united in one corps from the great analogy in the service which when the corps are separated gives rise to frequent disputes about the respective duties of each, very injurious to the service; there is a great resemblance in the preliminary studies and qualifications requisite to form the officers of both, and the union is conducive to œconomy. There is an extra number to serve as engineers.

B. The pay of this corps is generally higher than of any other, because there is much preparatory study and labour to qualify an officer, and promotion is much less rapid.

C. There are a great number of officers in proportion to the men; because Artillery are chiefly in detachments and are of so much consequence in military operations, that the pieces ought rarely to be trusted to non commissioned officers.

D. These (4) 5 professors are indispensable for the instruction of the officers; the pay is considerable to induce able men to engage.

E. There are fewer non commissioned staff than in the Infantry, because when the corps is united fewer will answer, and when divided, it is so much divided, that Serjeants must do their duties on the detachments.

F. The allowance of cloathing is less than it has heretofore been, a suit of uniform being allowed only once in two years, but this is as much as is done in the European Armies in general and is sufficient.

G. The expence may be still farther diminished by raising only two Regiments and those full, which will give the same number of men as this reduction of the 4; but the United States will by this means have too small a number of officers; and should a war take place, they will be entirely at a loss to officer properly the additional forces.

~~By this plan and by suspending altogether the regiment of horse the expence would be yearly only about 200,000 Dollars.~~

It is to be remarked that in the calculation of expence in every case, there ought to be a deduction of the half pay of the officers retained in service, which ought to be considered as lowering the expence of the Military establishment, during the lives of the present set of officers, which upon an average may be estimated at twenty five years.

This makes the difference between the expence of 4 Regiments of officers, or of two much less considerable than it appears at first sight, and is an additional reason for that consideration not being put in competition with the national utility of keeping them in service.¹

Ordered, That the same be referred to a committee of the whole.

Congress was then resolved into a committee of the whole: Mr. [Daniel] Carroll was elected to the chair.

The President resumed the chair, and Mr. [Daniel] Carroll reported, that the committee have taken into consideration the subject referred to them, and had come to a resolution

¹ This report, in the writing of Alexander Hamilton, is in the *Papers of the Continental Congress*, No. 38, folios 413-442. According to the record in Committee Book No. 186, the committee on the peace arrangements was appointed June 12 and reported June 18. A letter of June 7, from General Washington, with a memoir of Du Portail on fortifications necessary for the United States, was referred to the same committee. A draft of Washington's letter is in the *Washington Papers*, Library of Congress.

thereon, which he was ordered to report: the same being received and read, Mr. [Daniel] Carroll farther reported, that the committee not having come to a conclusion, desire leave to sit again.

Report of Committee of the Whole, October 23, 1783.

That it is the opinion of the Committee that some garrisons ought to be maintained in time of peace at the expence of the United States for their security and defense, under their present circumstances.

8 ayes, 1 no.¹

Ordered, That the committee sit to-morrow.

The committee of the week [Mr. Benjamin Huntington, Mr. John Montgomery and Mr. David Howell] report that the letter signed Thomas Kilbuck ~~be referred to a special committee to report~~ be read and considered when the report of the committee on the affairs of certain Indian youths at Princeton College shall be taken up and considered in Congress.²

FRIDAY, OCTOBER 24, 1783

According to the order of the day, Congress was resolved into a committee of the whole; after some time the President resumed the chair, and Mr. [Daniel] Carroll reported, that the committee had taken into consideration the subject referred to them, but not having come to a conclusion, desire leave to sit again.

Ordered, That the committee of the whole sit to-morrow.

On the report of a committee, consisting of Mr. [Samuel] Huntington, Mr. [James] Duane and Mr. [James] Madison, to whom were referred communications made to Congress by the honourable the minister plenipotentiary of France, on the 19th of September last,

¹ This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 38, folio 367.

² This report, in the writing of Benjamin Huntington, is in the *Papers of the Continental Congress*, No. 78, XIII, folio 583. Kilbuck's letters, dated, respectively, October 12 and October 23, are on folios 581 and 583. They were presented on this or an approximate date.

Resolved, That the minister plenipotentiary of France be informed, that Congress receive much pleasure from his communication of the resolution of the belligerent parties not to sign a definitive treaty of peace with Great Britain but in concert with the United States. That it gives them equal satisfaction to learn, that his Most Christian Majesty had in view the commerce of the United States; and that it is their earnest wish that such a spirit of liberality may pervade commercial regulations, on both sides, as will extend the intercourse and mutual interests of the two nations, and preserve and increase the reciprocal confidence and affection which have so eminently distinguished their alliance.¹

The Committee consisting of M^r [John Francis] Mercer, M^r [Hugh] Williamson, and M^r [Daniel] Carroll, to whom was referred a Memorial of Alexander Fowler, have considered the same and thereon beg leave to observe: That the King of Great Britain, in his Proclamation of 1763, did not restrict the lands thereby promised to any particular district of western territory, then the property of the Crown; and they are informed that the State of Virginia in locating the district of vacant lands which she has disposed of since the revolution, gave a preference to all claims under the said Proclamation, by directing warrants to be issued in their favor of a particular tenor, consequently, all such titles, of persons, whose conduct during the late contest has not been inimical to the United States may be considered as now absorbed, except in some particular cases, such as this Memorialist describes his to be, and whenever such occur your Committee are of opinion that any vacant territory that may become, or now is the property of the United States, should be considered as subjected to the fulfillment of the engagements made by the said Proclamation. Whereupon your Committee beg leave to submit the following resolution.

Resolved, That whenever the United States shall proceed to dispose of vacant western territory, Alexander Fowler shall be entitled to

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 25, II, folio 291. The resolution was entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

receive warrants for land in such manner as the United States may hereafter direct the same to be issued to the amount of his claims under the Proclamation of the King of G. B. in 1763, on proving the same and producing a certificate of his having returned into the land office of Virginia those warrants which were thence issued to him in consequence of his said claims.¹

The Committee consisting of M^r [James] Duane, M^r [Richard] Peters, M^r [Daniel] Carroll, M^r [Benjamin] Hawkins, and M^r [Arthur] Lee to whom were recommitted the eighth article of the Report on Indian Affairs, and to whom were committed sundry motions on that subject submit the following resolves:

That the Superintendent of Finance cause to be purchased a quantity of goods and articles proper and necessary for the Indians at the opening of the proposed negotiations to the amount of dollars according to an estimate specifying Kinds Qualities and Proportions to be furnished by the Secretary at War.

That the Secretary at War appoint a suitable person as a Storekeeper to take charge of all goods and articles to be furnished at the proposed treaty. The said Storekeeper to act under the directions of the Commissioners for Indian Affairs whose orders shall be received as vouchers at the Treasury on settlement of his accounts.

That the Commissioners be and they are hereby directed so soon as may be to lay before Congress a complete estimate of the Kinds, Qualities, and Value of the articles which may be required at the negotiations with the Indians in addition to those herein directed to be furnished, to the end that measures may be taken for procuring the same.²

The committee of the week [Mr. Benjamin Huntington, Mr. John Montgomery and Mr. David Howell,] report

¹ This report, in the writing of John Francis Mercer, is in the *Papers of the Continental Congress*, No. 19, II, folio 315. The indorsement shows that it was delivered on this day, entered and read. The memorial, undated, is in No. 41, III, folio 282, and the committee was appointed, the indorsement states, October 11.

² This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 30, folio 199. According to the indorsement, and to the record in Committee Books No. 186 and No. 191, it was delivered October 24, 1783, entered and read. On March 3, 1784, it was recommitted to Mr. [Thomas] Jefferson, Mr. [David] Howell and Mr. [Arthur] Lee, whose report was delivered March 4, 1784, and acted upon, March 19.

That the letter signed Gustavus Risberg, James Gamble, John Kean, late deputy commissaries in the issuing departments be referred to a special committee to report.¹

SATURDAY, OCTOBER 25, 1783²

The President having this day laid before Congress a letter from the hon. P. J. Van Berckel, enclosing a copy of a letter of credence, by which it appears, that he is appointed minister plenipotentiary from their High Mightinesses the States General of the United ~~Provinces of the~~ Netherlands, to the United States of America; and the said minister having requested to be informed when and where Congress will admit him to an audience;

Resolved, That the said hon. P. J. Van Berckel, be received as minister plenipotentiary from their High Mightinesses the States General of the United ~~Provinces of the~~ Netherlands; and that agreeably to his request, he be admitted to a public audience in Congress.³

The Committee [Mr. James Duane, Mr. Daniel Carroll and Mr. Abraham Clark] to whom was referred a letter from Mr P. J. Van Berckel Minister Plenipo. from their High Mightinesses dated the 19th of October Instant submit the following Report.

¹ This report, in the writing of Benjamin Huntington, is in the *Papers of the Continental Congress*, No. 137, III, folio 288. The letter is on folio 287. It was referred, as the indorsement shows, on this day to Mr. [Samuel] Osgood, Mr. [Hugh] Williamson and Mr. [William] Ellery, and on October 29, to the Superintendent of Finance to report.

On this day was read a letter of October 24 from the Secretary at War enclosing a letter of Stephen Moylan. It was referred, the indorsement states, to the Secretary at War to report. It is in No. 149, III, folio 259, and Moylan's letter is on folio 255.

On this day, as the indorsement indicates, was read an extract from the journals of the General Assembly of Pennsylvania, relative to settlement of accounts, and referred to the Superintendent of Finance to report. It is in No. 69, II, folio 469. According to Committee Book, No. 186, he reported December 22, and his report was, on January 9, 1784, referred to a special committee.

² The proceedings for this day were also entered in the manuscript Secret Journal, Foreign Affairs.

³ These two paragraphs, in the writing of Elias Boudinot, are in the *Papers of the Continental Congress*, No. 25, II, folio 303.

~~That it is the opinion of the Committee that the Honorable P. J. Van Berckel Minister Plenipotentiary from their High Mightinesses the States General of the United Provinces be agreeably to his Request admitted to an audience in Congress.~~

That he shall receive his audience at the Congress room in Princeton on Thursday next at noon be appointed as the time and place for such audience, and that the President of Congress inform the said Minister thereof.

~~That the Secretary of War shall officiate on this occasion as Secretary for foreign affairs~~ Superintendent of Finance and the Secretary at War shall perform the duties assigned by the Ceremonial on this occasion, and that they or either of them shall communicate to the said Minister the ceremonial prescribed for the reception of foreign Ministers by the ~~act of Congress of the 11th day of June last~~ acts of Congress, and shall provide suitable apartments for the accommodation of the said Minister during his residence at Princeton.

That the door of the Congress Chamber be open during the audience of the said Minister.

That they inform the Supreme Executives of New Jersey and Pennsylvania, His Excellency the Commander in Chief ~~and his family~~, Honorable the Minister of France, and such civil and military Gentlemen as are in or near to Princeton of such intended audience.¹

That the Congress room in Princeton, on Thursday next at noon, be appointed as the time and place for such audience.

That the Superintendant of finance and Secretary at War, or either of them, perform on this occasion, the duties assigned to the Secretary for foreign affairs, in the ceremonial respecting foreign ministers; and that they inform the supreme executives of New Jersey and Pennsylvania, his Excellency the Commander in Chief, the honorable the minister plenipotentiary of France, and such civil and military gentlemen as are in or near to Princetown, of the public audience to be given to the honorable the minister plenipotentiary of their High Mightinesses the States General of the United ~~Provinces of the Netherlands~~.

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 25, 11, folio 299.

Resolved, That the Superintendant of Finance or Secretary at War take order that suitable apartments be provided for the accommodation of the Honorable the Minister Plenipo. from their High Mightinesses the States General of the United Provinces of the Netherlands during his ~~Residence~~ attendance on Congress at Princeton.

Ordered, That the Superintendant of finance and Secretary at War, or either of them, take order for an entertainment to be given at the public expence, to the hon. P. J. Van Berckel, minister plenipotentiary from their High Mightinesses the States General of the United ~~Provinces of the~~ Netherlands, to the United States of America, ~~and that the Superintendant of Finance and Secretary at War or either of them direct the same~~ on Thursday next, the day assigned for the public audience of the said minister.¹

A COPY OF THE CEREMONIAL ON THE RECEPTION OF FOREIGN MINISTERS, WITH WHICH MR. VAN BERCKEL WAS FURNISHED BY ORDER OF CONGRESS.

When a minister plenipotentiary or Envoy shall arrive within any of the United States he shall receive at all places, where there are guards, sentries and the like, such military honors as are paid to a general officer of the second rank in the armies of the United States.

When he shall arrive at the place in which Congress shall be, he shall wait upon the President and deliver his credentials or a copy of them.

Every minister on his being admitted to his first audience shall be introduced by the Secretary for foreign affairs to a seat provided for him facing the President of Congress, the President and members being seated, and the President covered, the minister being uncovered and so to remain unless he be of the rank of an Ambassador.

¹ These two paragraphs in the writing of James Duane and Charles Thomson, are in the *Papers of the Continental Congress*, No. 25, II, folio 305. The first paragraph, as a motion, in Charles Thomson's writing is in No. 149, III, folio 261. The indorsement states that it was referred to the Secretary at War to take order.

The minister being seated shall deliver his letter of credence to the Secretary of Congress by his own secretary who shall stand by him during his audience. If the minister chuses to address Congress he shall rise when he speaks.

The letter of credence being delivered by the Secretary of Congress to the interpreter, when such officer shall be necessary, he shall read it in its original language and then present a translation of it to the Secretary of Congress who shall read the same. Upon which the President after reading his answer uncovered shall deliver the same to the Secretary of Congress who shall present it to the minister who shall rise to receive it.

The minister then shall be reconducted to his carriage by the Secretary for foreign affairs.

If the minister is of the rank of an Ambassador ordinary or extraordinary he shall be covered when he takes his seat. In that case too the President shall rise when the Ambassador is introduced and also when he reads his answer.

In any subsequent public audience of a foreign minister the same ceremonial shall be observed except so far as relates to the delivery and reading the credentials.

Every minister after his first audience shall pay the first visit to the President and other members of Congress.

A foreign minister on his arrival at the place where Congress shall reside shall be informed by the Secretary for foreign affairs that if in any audience he shall chuse to speak, it will be necessary previously to deliver in writing to the President what he intends to say at the audience, and if he shall not incline thereto, it will, from the constitution of Congress, be impracticable for him to receive an immediate answer.

All speeches or communications in writing may if the public ministers chuse it, be in the language of their respective countries and all replies or answers shall be in the language of the United States.

The committee of the week [Mr. Benjamin Huntington, Mr. John Montgomery and Mr. David Howell] report that the petition of Enos Granniss lieutenant late of Colonel Baldwin's regiment of Artificiers be referred to the Secretary at War to report.¹

MONDAY, OCTOBER 27, 1783

Only three states attended; namely, Massachusetts, New York and Pennsylvania; and from Rhode Island, Mr. [William] Ellery; from New Jersey, Mr. [Abraham] Clark; from Maryland, Mr. [Daniel] Carroll, and from North Carolina, Mr. [Hugh] Williamson.

TUESDAY, OCTOBER 28, 1783

Only six states attended; namely, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania and Maryland; and from the State of Connecticut, Mr. B[enjamin] Huntington; from the State of Delaware, Mr. [James] Tilton, and from North Carolina, Mr. [Hugh] Williamson.

WEDNESDAY, OCTOBER 29, 1783

On the report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [Arthur] Lee and Mr. [Abraham] Clark, to whom was referred a memorial from General Armand:

Resolved, That though Congress are desirous to accommodate all the officers and soldiers who are entitled to land, in such a manner as may be most convenient and acceptable to the army, they cannot at present make any appropriations, much less can they assign certain districts to any particular corps.

¹ This report, in the writing of Benjamin Huntington, is in the *Papers of the Continental Congress*, No. 42, III, folio 255, the petition being on folio 254. It was referred to the Secretary at War, as the indorsement states.

On this, or an approximate date, was read the act of October 20 of the General Court of Massachusetts granting to Congress power to levy an impost tax. It is in No. 74, folio 197.

That the ~~Secretary at War~~ Commander in Chief be, and he is hereby directed to discharge all the troops in the service of the United States, who are now in Pennsylvania or to the southward thereof, except the garrison of Fort Pitt.¹

A letter, of 26, from the hon. P. J. Van Berckel, was read; Whereupon,

Resolved, That the audience to be given to the said minister, be postponed till Friday next.²

On the report of a committee, consisting of Mr. [James] Duane, Mr. [Arthur] Lee and Mr. [Samuel] Huntington, to whom was referred a letter from Major-General Lincoln:

Resolved, That the resignation of Major-General Lincoln as Secretary at War for the United States, be accepted, in consideration of the earnest desire which he expresses, (the objects of the war being so happily accomplished) to retire to private life. And that he be informed, that the United States in Congress assembled, entertain a high sense of his perseverance, fortitude, activity and meritorious services in the field, as well as of his diligence, fidelity and capacity in the execution of the office of Secretary at War, which important trusts he has discharged to their entire approbation.

Resolved, That notwithstanding the foregoing acceptance, it is the intention of Congress, that General Lincoln shall continue to exercise the duties of Secretary at War, until the 12 day of November next.³

The committee, consisting of Mr. S[amuel] Huntington, Mr. A[rthur] Lee and Mr. [James] Duane, to whom

¹ The first paragraph of this resolution is in the *Papers of the Continental Congress*, No. 19, I, folio 93; the second in No. 36, II, folio 259. Both are in the writing of Hugh Williamson. Armand's memorial, dated October 2, is in No. 164, folio 477.

² This resolution was also entered in the manuscript Secret Journal, Foreign Affairs. A translation of Van Berckel's letter, asking for a postponement of his audience, is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), VI, 716.

³ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, III, folio 573.

From this point to the end of the day the proceedings were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

were referred sundry resolutions passed on the 29 of September and 1 October, instant, reported a draft of instructions, which was agreed to as follows:

By the United States in Congress assembled.

To the ministers plenipotentiary of the United States of America at the Court of Versailles empowered to negotiate a peace, or to any one or more of them:

First. You are instructed and authorised to announce to his Imperial Majesty the Emperor of Germany, or to his ministers, the high sense which the United States in Congress assembled entertain of his exalted character and eminent virtues, and their earnest desire to cultivate his friendship, and to enter into a treaty of amity and commerce for the mutual advantage of the subjects of his Imperial Majesty, and the citizens of these United States.

Secondly. You are instructed to meet the advances and encourage the disposition of the other ~~respectable~~ commercial powers in Europe for entering into treaties of amity and commerce with these United States. In negotiations on this subject, you will lay it down as a principle in no case to be deviated from, that they shall respectively have for their basis the mutual advantage of the contracting parties, on terms of the most perfect equality and reciprocity, and not to be repugnant to any of the treaties already entered into by the United States with France and other foreign powers. That such treaties shall, in the first instance, be proposed for a term not exceeding fifteen years, and shall not be finally conclusive until they shall respectively have been transmitted to the United States in Congress assembled, for their examination and final direction; and that, with the drafts or propositions for such treaties, shall be transmitted all the information which shall come within the knowledge of the said ministers respecting the same; and their observations, after the

most mature inquiry, on the probable advantages or disadvantages and effects of such treaties respectively.

Thirdly. You are instructed to put a stop to all
Recommended. loans for money which are negotiating or authorized on behalf of the United States in any part of Europe.

Thirdly. You are instructed to continue to press upon the ministers of his Danish Majesty the justice of causing satisfaction to be made for the value of the ships and goods captured by the *Alliance* frigate and sent into Bergen, and how essentially it concerns the honour of the United States that their gallant citizens should not be deprived of any part of those prizes, which they had so justly acquired by their valour. That as far as Congress have been informed, the estimate of those prizes at fifty thousand pounds sterling is not immoderate; that no more however is desired than their true value, after every deduction which shall be thought equitable. That Congress have a sincere disposition to cultivate the friendship of his Danish Majesty, and to promote a commercial intercourse between his subjects and the citizens of the United States, on terms which shall promise mutual advantage to both nations. That it is therefore the wish of Congress, that this claim should still be referred to the equitable disposition of his Danish Majesty, in full confidence that the reasonable expectations of the parties interested will be fully answered; accordingly you are fully authorised and directed, after exerting your best endeavours to enforce the said claim to the extent it shall appear to you to be well founded, to make abatements if necessary, and ultimately to accept such compensation as his Danish Majesty can be prevailed on to grant.

Fourthly. You are further instructed, to inquire and report to Congress the reasons why the expedition of the *Alliance* and *Bon Homme Richard*, and the squadron which accompanied them, was carried on at the expence

and on account of the Court of France: whether any part of the profit arising therefrom accrued to the United States; or any of the expence thereof hath been placed to their account: whether the proceeds of any of the prizes taken in that expedition, and which is due to the American officers and seamen employed therein, is deposited in Europe; and what amount; where; and in whose hands.

Fifthly. The acquisition of support to the independence of the United States having been the primary object of the instructions to our ministers respecting the convention of the neutral maritime powers for maintaining the freedom of commerce, you will observe that the necessity of such support is superseded by the treaties lately entered into for restoring peace. And although Congress approve of the principles of that convention, as it was founded on the liberal basis of the maintenance of the rights of neutral nations, and of the privileges of commerce, yet they are unwilling, at this juncture, to become a party to a confederacy which may hereafter too far complicate the interests of the United States with the politicks of Europe; and therefore, if such a progress is not already made in this business as may render it dishonourable to recede, it is the desire of Congress and their instruction to each of the ministers of the United States at the respective courts in Europe, that no farther measures be taken at present towards the admission of the United States into that confederacy.

Sixthly. The ministers of these United States for negotiating a peace with Great Britain are hereby instructed, authorised and directed, to urge forward the definitive treaty to a speedy conclusion; and unless there shall be an immediate prospect of obtaining articles or explanations beneficial to the United States, in addition to the provisional articles, that they shall agree to

adopt the provisional articles as the substance of a definitive treaty of peace.

Seventhly. The minister or ministers of these United States for negotiating a peace are hereby instructed, to negotiate an explanation of the following paragraph of the declaration acceded to by them on the 20 of January, 1783, relative to captures, viz. "that the term should be one month from the channel and North Sea as far as the Canary Islands, inclusively, whether in the Ocean or the Mediterranean."

Eighthly. Mr. Jay is hereby authorised to direct Mr. Carmichael to repair to Paris, should Mr. Jay be of opinion that the interest of the United States at the Court of Madrid may not be injured by Mr. Carmichael's absence; and that Mr. Carmichael carry with him the books and vouchers necessary to make a final and complete settlement of the accounts of publick moneys which have passed through the hands of Mr. Jay and himself; and that Mr. Barclay attend Mr. Jay and Mr. Carmichael to adjust those accounts.

Ninthly. Mr. Jay has leave to go to Bath, should he find it necessary for the benefit of his health.¹

Ordered, That the fifth instruction be also directed to Mr. Dana, and that with it be sent him a copy of the other instructions for his information.

On the report of a committee, consisting of Mr. S[amuel] Huntington, Mr. [Arthur] Lee, and Mr. [James] Duane, to whom was referred a letter from the Burgomasters and Senate of the imperial free city Hamburg,

Resolved, That the President, in terms expressive of the most sincere regard, ~~and attachment~~ communicate to the Burgomasters and Senate of the imperial free city Hamburg the high satisfaction with which the United States in Congress assembled are impressed by the an-

¹ This report, except the seventh instruction, which is missing, is in the *Papers of the Continental Congress*, No. 25, II, folios 309-313. It is in the writing of James Duane.

nunciation of their friendship and attachment, and their affectionate congratulations on the establishment of the liberty and independence of the United States of America. That having founded the commercial system of these states on the basis of ~~liberality-perfect~~ equality and reciprocity, Congress will ~~most~~ cheerfully meet the wishes of the Burgomasters and Senate of Hamburg, and unite with them in ~~promoting~~ encouraging the most friendly intercourse between the citizens of the respective countries on such liberal principles as will ~~secure~~ best promote their mutual advantage and prosperity; and that it is the earnest prayer of the United States in Congress assembled, that the imperial free city Hamburg may continue to increase in commerce and splendour, and be blessed with uninterrupted tranquillity.

Resolved, That a committee be appointed to confer with Mr. John Abraham de Boor, charged by the said Burgomasters and Senate with their said letter to Congress, ~~in order to confer with him~~ on the subject matter thereof; and that a copy of these resolutions be transmitted to Mr. de Boor.¹

The committee—Mr. [Daniel] Carroll, Mr. [Elbridge] Gerry and Mr. [Hugh] Williamson.

The committee consisting of Mr. [William] Ellery, Mr. [James] McHenry and Mr. [Richard] Peters to whom was committed a letter from Mr. John Adam, late deputy commissary of prisoners, dated October 22, 1783, report their opinion,

That the said letter be referred to the Superintendent of Finance to report what allowance, if any, ought to be made the said John Adam on account of the expenees said to be incurred by him in the execution of his late office of Deputy Commissary of Prisoners.²

The Committee [Mr. Samuel Osgood, Mr. Hugh Williamson and Mr. William Ellery] to whom was referred the letter of Gustavus Risberg, James Gamble and John Kean of the 23^d of October, 1783,

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 25, II, folio 307.

² This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 19, I, folio 45. The indorsement says it was passed on this day.

Issuing Commissaries, setting forth the embarrassment they meet with in settling their accounts. That the Commissioner for that purpose finds himself obliged by the resolutions of Congress to settle the accounts of the Purchasing Commissaries previous to his taking up those of the Issuing, so that the debit against the Issuing Commissaries may be properly made out. That it will occasion the delay of a great number of years before they can possibly have their accounts closed.

That they are ready to settle their accounts, but if this cannot now be done, they request that they may receive the certificates of the pay due to them; and agree that the bonds which they have given agreeable to the resolutions of Congress, shall lay against them till such time as their accounts shall be fully and fairly settled. Your Committee report that the letter and papers accompanying the same be referred to the Superintendent of Finance to Report.

The Committee also report that the letter of Charles Stewart late Commissary General of Issues be referred to the Sup^t of Finance to Report.¹

The committee of the week [Mr. Benjamin Huntington, Mr. John Montgomery and Mr. David Howell] report that the letter signed Joseph Nourse be read in Congress.²

¹ This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 19, V, folio 415. According to the indorsement, it was passed this day, to refer to the Superintendent of Finance to report.

² This report, in the writing of Benjamin Huntington, is in the *Papers of the Continental Congress*, No. 41, VII, folio 105. It is written at the end of Nourse's memorial, which begins on folio 103, the indorsement of which states that it was referred on this day to Mr. [James] Duane, Mr. S[amuel] Huntington, Mr. [Hugh] Williamson, Mr. [Elbridge] Gerry and Mr. [Abraham] Clark. Committee Book No. 186 says that it was renewed December 18, the new committee consisting of Mr. [Hugh] Williamson, Mr. [Elbridge] Gerry, Mr. [James] Tilton, Mr. [Thomas] Jefferson and Mr. [James] McHenry. The indorsement on the memorial says that it was "answered by act 23^d March, 1787."

On this date, as the indorsement indicates, was read a letter from the Superintendent of Finance enclosing a copy of the address which Mr. Van Berckel proposes making to Congress at his public audience. It is in No. 137, III, folio 235.

Also, a letter, of October 11, from General Schnyler, was read. It is in No. 153, III, folio 621.

Also, a letter, of October 27, from Charles Stewart. It is in No. 137, III, folio 271, and, according to the indorsement, and to the record in Committee Books 186 and 191, it was on this day referred to the Superintendent of Finance to report. His report, dated November 6, was entered and read December 22, and, on January 6, 1784, referred, with Stewart's letter and other papers, to Mr. [Hugh] Williamson, Mr. [William] Ellery and Mr. [Samuel] Osgood. On April 7, Mr. [Roger] Sherman was appointed, in place of Osgood, and the committee rendered a report April 13, which was considered April 15.

THURSDAY, OCTOBER 30, 1783

On the report of a committee, consisting of Mr. [Abraham] Clark, Mr. [Theodorick] Bland and Mr. [James] McHenry, to whom was referred a letter of 26 September last, from R. Varick,

The Committee, consisting of Mr. [Abraham] Clark, Mr. [Theodorick] Bland and Mr. [James] McHenry, to whom were referred the letter of Richard Varick of the 26th of September last, report,

That the paymaster General be Authorized and directed to settle in Specie the pay of Lt. Col. Varick as Deputy muster master general from the first day of August, 1779, to the 12th day of January, 1780, the time of his derangement, and certifie the same in the usual manner now practiced with the army. That the paymaster general in like manner settle the arrears of Col. Varick's allowance of one year's pay granted to deranged officers by the Act of Congress of the 12th day of January, 1780, computing the same in Specie agreeable to the Scale of depreciation directed by Congress on the 28th of June, 1780.¹

Resolved, That it be recommended to the executive of the State of New York, to settle with and pay Lieutenant-Colonel Richard Varick, by allowing him what his arrears of pay, and year's advance as deputy mustermaster general was worth in specie at the time they respectively became due, and charge the same to the United States.²

On motion of Mr. [Samuel] Osgood, seconded by Mr. [Samuel] Holten,

Resolved, by nine states, That General Knox be allowed the pay of a major general in a separate department, during his command at West Point; his additional pay granted by the resolution of the 12 of January, 1781, to cease during the time he receives the foregoing allowance.

¹ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, VI, folio 115. According to the indorsement, it was delivered October 1, read and entered; and acted upon October 30.

² This resolution, in the writing of Ezra L'Hommedieu, is in the *Papers of the Continental Congress*, No. 19, VI, folio 111.

That the Superintendant of finance take order for paying ~~such part thereof~~ to Major General Knox, the arrears of such subsistence as majors general in a separate ~~command~~ department have heretofore received.¹

On a report of the Secretary at War,

WAR OFFICE *October 29, 1783.*

SIR,

General Bailey, who lives on the west side of Connecticut river at the lower Coos, has since the capture of General Burgoyne been employed in various services for the United States, viz: gaining intelligence of the situation and designs of the Enemy in Canada, and of the Savages in their service; in supplying the friendly tribes which came within our lines and a company of them formed by the direction of Congress; and in supplying also our prisoners in their return from captivity. The several duties in which he has been employed will subject him to the trouble and the public to the expence of settling his accounts at different offices, unless he obtains the particular order of Congress directing some one of the departments to close his accounts. A direction of this kind would in my opinion unite the two desirable objects, a saving to the public and ease to an individual. For no person I think is so well acquainted with the services of General Bailey as the Quarter Master General, and none better capable of judging of the value of them, and of the supplies issued, as he has had a general knowledge of the whole.

If Congress should judge the measure expedient they will please to resolve:

Resolved, That the commissioner for settling the accounts of the quartermaster's department be, and he is hereby directed to settle the accounts of General Bailey which he has against the United States, for money advanced, supplies given, and services rendered by him.²

On the report of a committee, consisting of Mr. [Richard] Beresford, Mr. [Hugh] Williamson and Mr. [John Francis]

¹ This motion, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 36, II, folio 263.

² This report is in the *Papers of the Continental Congress*, No. 149, III, folio 267. The indorsement states: Read 29. ~~Referred back to the Secretary at War and that he be informed the case is provided for by the act of 27 February last.~~

Mercer, to whom was referred a letter from G. Bond, deputy secretary of Congress,

The Committee, consisting of Mr [Richard] Beresford, Mr [Hugh] Williamson, and Mr [John Francis] Mercer, to whom was referred a letter from Mr Bond, Deputy Secretary of Congress praying a compensation for expenditures of his private property, occasioned by his attendance upon Congress and the insufficiency of the salary annexed to his office, beg leave to report,

That Mr Bond is about to resign his present office; that he has received the most honorable testimonials of his fidelity and industry from his superior in office; that in the course of four or five years service the strictest economy has not enabled him to support a wife and two children with the emoluments of his office, but at the end of his labours he finds himself exhausted of the resources with which he began them, and considerably embarrassed with debts.

In order that Mr Bond may retire from the service of his country with that decency which will become an officer of his character and trust in the United States, your Committee are of opinion that Congress should furnish him with the sum of 500 dollars.¹

Resolved, by nine states, That the Superintendant of finance take order for the payment of five hundred dollars to G. Bond, deputy secretary of Congress, on account of his extra services.

On motion of Mr. [Jacob] Read, seconded by Mr. [Silas] Condict,

Resolved, That the question on the report of the committee on a motion of Mr. [Richard] Peters, and an application of the legislature of Pennsylvania, relative to the purchase of the Indian claim of land within the jurisdiction of that State, which was lost on the 22, be re-considered.²

The report being taken up and read,

A motion was made by Mr. [William] Ellery, seconded by Mr. [David] Howell, to add to the resolution, "provided that

¹ This report, in the writing of Richard Beresford, is in the *Papers of the Continental Congress*, No. 19, I, folio 397.

² A memorandum of this motion and of the motions of Ellery and Howell and the two votes, is in the *Papers of the Continental Congress*, No. 36, II, folio 251. It is in the writing of Elias Boudinot.

no treaty shall be entered into with the Indians by the commissioners appointed by the State of Pensylvania, until the commissioners appointed by these United States for negotiating a treaty with the Indians shall have completed the same”¹

And on the question to agree to this, the yeas and nays being required by Mr. [James] Duane,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} *	Mr. Montgomery,	no	} no
<i>Massachusetts,</i>			Peters,	no	}
Mr. Holten,	ay	} ay	<i>Maryland,</i>		
Osgood,	ay	}	Mr. Carroll,	no	} no
<i>Rhode Island,</i>			McHenry,	no	}
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		
Howell,	ay	}	Mr. Lee,	ay	} div.
<i>Connecticut,</i>			Mercer,	no	}
Mr. S. Huntington,	no	} no	<i>North Carolina,</i>		
B. Huntington,	no	}	Mr. Hawkins,	no	} no
<i>New York,</i>			Williamson,	no	}
Mr. Duane,	no	} no	<i>South Carolina,</i>		
L'Hommedieu,	no	}	Mr. Read,	no	} *
<i>New Jersey,</i>					
Mr. Boudinot,	no	} no			
Condict,	no	}			

So it passed in the negative.

A motion was then made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to add by way of amendment,

“Nor with the exclusive right of Congress to negotiate treaties, regulate trade, and manage all affairs with the Indians not members of any particular State”:² and on the question to agree to this amendment, the yeas and nays being required by Mr. [David] Howell,

¹ This motion, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 36, II, folio 255.

² This motion, in the writing of Hugh Williamson and David Howell, is in the *Papers of the Continental Congress*, No. 36, II, folio 257.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} *	Mr. Montgomery,	no	} no
<i>Massachusetts,</i>			Peters,	no	} no
Mr. Holten,	ay	} ay	<i>Maryland,</i>		
Osgood,	ay	} ay	Mr. Carroll,	ay	} ay
<i>Rhode Island,</i>			McHenry,	ay	} ay
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		
Howell,	ay	} ay	Mr. Lee,	ay	} ay
<i>Connecticut,</i>			Mercer,	ay	} ay
Mr. S. Huntington,	no	} no	<i>North Carolina,</i>		
B. Huntington,	no	} no	Mr. Hawkins,	ay	} ay
<i>New York,</i>			Williamson,	ay	} ay
Mr. Duane,	no	} no	<i>South Carolina,</i>		
L'Hommedieu,	no	} no	Mr. Read,	no	} *
<i>New Jersey,</i>					
Mr. Boudinot,	no	} div.			
Condict,	ay	} div.			

So the question was lost.

On motion of Mr. [—] Huntington, seconded by Mr. [David] Howell,

Resolved, That the resolution reported by the committee be amended by adding, "for the sole purpose of making such purchase," after the word attend.

On motion of Mr. ~~Osgood~~ [David] Howell, seconded by Mr. ~~Howell~~ [William] Ellery, to strike out the words, "and the commissioners on the part of the United," &c. to the end: A question was taken, shall those words stand? and the same being lost, the words were struck out.

A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [Samuel] Holten, to add in lieu of the words struck out,

"And the commissioners on the part of the United States, are instructed to give every assistance in their power, to the commissioners who may be appointed on the part of Pennsylvania, towards promoting the interest of that State, as far as the same may consist with the general interest of the Union:"¹

¹ This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 20, II, folio 164. The three votes following are indorsed on it by Thomson.

And on the question to agree to this, the yeas and nays being required by Mr. [Hugh] Williamson,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} *	Mr. Montgomery,	ay	} ay
<i>Massachusetts,</i>			Peters,	ay	} ay
Mr. Holten,	ay	} ay	<i>Maryland,</i>		
Osgood,	ay	} ay	Mr. Carroll,	ay	} ay
<i>Rhode Island,</i>			McHenry,	ay	} ay
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no	} no	Mr. Lee,	ay	} ay
<i>Connecticut,</i>			Mercer,	ay	} ay
Mr. S. Huntington,	ay	} ay	<i>North Carolina,</i>		
B. Huntington,	ay	} ay	Mr. Hawkins,	ay	} ay
<i>New York,</i>			Williamson,	ay	} ay
Mr. Duane,	ay	} ay	<i>South Carolina,</i>		
L'Homedieu,	ay	} ay	Mr. Read,	ay	} div.
<i>New Jersey,</i>			Beresford,	no	} div.
Mr. Boudinot,	ay	} ay			
Condict,	ay	} ay			

So it was resolved in the affirmative.

On the question to agree to the resolution as amended, the yeas and nays being required by Mr. [Jacob] Read,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	} *	Mr. Montgomery,	ay	} ay
<i>Massachusetts,</i>			Peters,	ay	} ay
Mr. Holten,	ay	} div.	<i>Maryland,</i>		
Osgood,	no	} div.	Mr. Carroll,	ay	} ay
<i>Rhode Island,</i>			McHenry,	ay	} ay
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Howell,	no	} no	Mr. Lee,	ay	} ay
<i>Connecticut,</i>			Mercer,	ay	} ay
Mr. S. Huntington,	ay	} ay	<i>North Carolina,</i>		
B. Huntington,	ay	} ay	Mr. Hawkins,	ay	} ay
<i>New York,</i>			Williamson,	ay	} ay
Mr. Duane,	ay	} ay	<i>South Carolina,</i>		
L'Homedieu,	ay	} ay	Mr. Read,	ay	} div.
<i>New Jersey,</i>			Beresford,	no	} div.
Mr. Boudinot,	ay	} ay			
Condict,	ay	} ay			

So it was resolved in the affirmative.

The preamble being then taken into consideration, a motion was made by Mr. [Samuel] Osgood, seconded by Mr. [David] Howell, to strike out the words, "for in the opinion of the committee, the idea of a division of councils," &c. to the end: and on the question, shall those words stand? the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Foster,	ay	}	Mr. Montgomery,	ay	}
<i>Massachusetts,</i>			Peters,	ay	
Mr. Holten,	no	}	<i>Maryland,</i>		
Osgood,	no		Mr. Carroll,	ay	}
<i>Rhode Island,</i>			McHenry,	ay	
Mr. Ellery,	no	}	<i>Virginia,</i>		
Howell,	no		Mr. Lee,	no	}
<i>Connecticut,</i>			Mercer,	no	
Mr. S. Huntington,	no	}	<i>North Carolina,</i>		
B. Huntington,	ay		Mr. Hawkins,	no	}
<i>New York,</i>			Williamson,	no	
Mr. Duane,	ay	}	<i>South Carolina,</i>		
L'Homedieu,	ay		Mr. Read,	ay	}
<i>New Jersey,</i>			Beresford,	ay	
Mr. Boudinot,	ay	}			
Condict,	no				

So the question was lost, and the words were struck out.

The preamble was then agreed to as amended, and the whole is as follows:

Whereas it appears that the application of the legislature of Pennsylvania, relative to a treaty for the purchase of the Indian claim to lands within the jurisdiction of that State, proceeded from a respectful attachment to the federal government, and a desire to guard against prejudices which might arise from the interference of their own particular views with the authority of the United States: That the public interest might have been deeply affected by a negotiation for such purchase independent of, and unconnected

with the general treaty to be holden on behalf of the United States:

Resolved, That the commissioners for holding the convention with the Indians under the act of the fifteenth day of October instant give notice to the supreme executive of the State of Pennsylvania, of the time and place of holding such treaty, to the end, that the persons to be appointed by that State, for purchasing lands within the limits thereof, at the expence of the said State, may attend for the sole purpose of making such purchase, at the time and place appointed for holding the said treaty: and the commissioners on the part of the United States, are instructed to give every assistance in their power, to the commissioners who may be appointed on the part of Pennsylvania, towards promoting the interest of that State, as far as the same may consist with the general interest of the Union.

On a memorial from Robert Patton, messenger,

Resolved, That the sum of ten dollars per month be allowed to Robert Patton, in addition to his salary, from the 21 day of June last, to the 12 of November next, for his extra services and expences.¹

A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Arthur] Lee,

That in case a President shall not be chosen, on or before the 12 day of November next, ~~Congress shall stand adjourned~~ the secretary adjourn Congress on that day, to meet at Annapolis on the 26 of the said month, according to the resolution of the 20 instant.²

On the question to agree to this, the yeas and nays being required by Mr. [Richard] Peters.

¹ This resolution, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 122.

² This motion, undated, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No 36, IV, folio 139, the vote being indorsed on it by Charles Thomson.

<i>Massachusetts,</i>			<i>Pennsylvania,</i>		
Mr. Holten,	ay	} ay	Mr. Montgomery,	no	} no
Osgood,	ay		Peters,	no	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. Carroll,	ay	} ay
Howell,	ay		McHenry,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. S. Huntington,	ay	} ay	Mr. Lee,	ay	} ay
B. Huntington,	ay		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	no	} no	Mr. Hawkins,	ay	} ay
L'Hommedieu,	no		Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	no	} no	Mr. Read,	ay	} ay
Condict,	no		Beresford,	ay	

So it was resolved in the affirmative.

A motion was made by Mr. [Arthur] Lee, seconded by Mr. [Samuel] Holten,

That a committee be appointed to repair to the lower falls of Potomac, to view the situation of the country in the vicinity of the same, and report a proper district for carrying into effect the resolution of the 21 of October.¹

Whereupon, a motion was made by Mr. [David] Howell, seconded by Mr. [Daniel] Carroll, to amend the foregoing motion by adding,

“And that the committee appointed on the 7 day of October instant to report the most suitable place for erecting buildings for the accommodation of Congress, near the falls of the Delaware, be directed to report ~~immediately~~ [as soon as may be].”²

On the question to agree to this amendment, the yeas and nays being required by Mr. [David] Howell,

¹ This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, II, folio 277.

² This motion, in the writing of David Howell, except the words in brackets which are in Elias Boudinot's writing, is in the *Papers of the Continental Congress*, No. 36, II, folio 269. The vote is indorsed on it.

<i>Massachusetts,</i>			<i>Pennsylvania,</i>		
Mr. Holten,	ay	} ay	Mr. Montgomery,	no	} no
Osgood,	ay		Peters,	no	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. Carroll,	ay	} ay
Howell,	ay		McHenry,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. S. Huntington,	ay	} ay	Mr. Lee,	ay	} ay
B. Huntington,	ay		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	no	} no	Mr. Hawkins,	ay	} ay
L'Hommedieu,	no		Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	no	} no	Mr. Read,	ay	} ay
Condict,	no		Beresford,	ay	

So it was resolved in the affirmative.

On the question to agree to the motion of Mr. [Arthur] Lee, which was divided from the amendment, at the request of a member, the yeas and nays being required by Mr. [Richard] Peters,

<i>Massachusetts,</i>			<i>Pennsylvania,</i>		
Mr. Holten,	ay	} ay	Mr. Montgomery,	no	} no
Osgood,	ay		Peters,	no	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. Carroll,	ay	} ay
Howell,	ay		McHenry,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. S. Huntington,	ay	} ay	Mr. Lee,	ay	} ay
B. Huntington,	ay		Mercer,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Duane,	no	} no	Mr. Hawkins,	ay	} ay
L'Hommedieu,	no		Williamson,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	no	} no	Mr. Read,	ay	} ay
Condict,	no		Beresford,	ay	

So it was resolved in the affirmative.

The second part was agreed to, and the whole is as follows:

Resolved, That a committee be appointed to repair to the lower falls of Potomac, to view the situation of the country in the vicinity of the same, and report a proper district for carrying into effect the resolution of the 21 of October; and that the committee appointed on the 7 of October, to report the most suitable place for erecting buildings for the accommodation of Congress, near the falls of the Delaware, be directed to report as soon as may be: The members, Mr. [Benjamin] Hawkins, Mr. [Elbridge] Gerry, Mr. [Daniel] Carroll, Mr. [John Francis] Mercer and Mr. [Hugh] Williamson.

A motion was then made by Mr. [David] Howell, seconded by Mr. [John Francis] Mercer,

That the President transmit to the executives of New Jersey, Pennsylvania, Maryland and Virginia, copies of the acts of Congress of the 7 instant respecting buildings to be erected for a federal town on the banks of the Delaware; and of the acts of the 21 instant respecting buildings to be erected on the banks of the Potomac, for a second federal town, and the adjournment of Congress to Annapolis; [and that copies be also transmitted to the several other states in the Union.]¹

A division was called for, and a question taken on the first clause, as far as "Delaware", inclusive: passed in the affirmative.

On the question to agree to the second clause, from Delaware to the end, the yeas and nays being required by Mr. [Richard] Peters,

<i>Massachusetts</i> ,			<i>Connecticut</i> ,	
Mr. Holten,	ay	} ay	Mr. S. Huntington,	ay
Osgood,	ay		B. Huntington,	ay
<i>Rhode Island</i> ,			<i>New York</i> ,	
Mr. Ellery,	ay	} ay	Mr. Duane,	ay
Howell,	ay		L'Homedieu,	ay

¹ This motion, in the writing of Daniel Carroll, except the words in brackets, which are in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 36, 11, folio 267. The vote is indorsed on it.

<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Boudinot,	ay	} div.	Mr. Lee,	ay	} ay
Condict,	no		Mercer,	ay	
<i>Pennsylvania,</i>			<i>North Carolina,</i>		
Mr. Montgomery,	no	} no	Mr. Hawkins,	ay	} ay
Peters,	no		Williamson,	ay	
<i>Maryland,</i>			<i>South Carolina,</i>		
Mr. Carroll,	ay	} ay	Mr. Read,	ay	} ay
McHenry,	ay		Beresford,	ay	

So it was resolved in the affirmative.¹

FRIDAY, OCTOBER 31, 1783

Mr. George Bond, deputy secretary, having informed, that the state of his private affairs will not suffer him to continue longer in the service of the public, and therefore tendered to Congress his resignation of the appointment of deputy secretary;

Resolved, That the resignation of Mr. George Bond, deputy secretary of Congress, be accepted; and that he be informed, Congress ~~highly~~ approve the ~~zeal~~ fidelity and assiduity with which he has discharged the duties of his appointment.²

On motion of Mr. [John Francis] Mercer, seconded by Mr. [Hugh] Williamson,

¹ On this day, as the indorsement indicates, was read a letter of October 23 from the Superintendent of Finance enclosing a copy of one of September 29 from John D. Mercier in reference to the will and pay of George Measam. It was referred to Mr. Williamson, Mr. [Samuel] Osgood, Mr. [William] Ellery, and Mr. [James] Duane. The committee, the indorsement states, reported November 3, but the question was postponed February 1, 1786. The Superintendent's letter is in the *Papers of the Continental Congress*, No. 137, III, folio 219, the copy of Mercier's letter on folio 231 and the copy of Measam's will on folio 227.

Also, a letter of October 30 from the Secretary at War. It is in No. 149, III, folio 275.

Also, a letter of October 29, from General Duportail. It is in No. 78, VIII, folio 43. According to the indorsement, and the record in Committee Books No. 186 and No. 191, the letter was referred to Mr. [Hugh] Williamson, Mr. [Samuel] Osgood and Mr. [William] Ellery, whose report was delivered January 21, 1784, and considered in Congress January 22.

² This resolution, in the writing of Silas Condict, is in the *Papers of the Continental Congress*, No. 59, I, folio 282. Bond's letter, dated October 30, is in No. 78, IV, folio 409.

Resolved, That the secretary be, and he is hereby empowered and instructed, to continue to employ Mr. John Dunlap, to print for Congress; and to inform him, that Congress expects he will keep his office at the place where they may reside.¹

Nathan Jones, a clerk in the war office, having informed, that he is under a necessity of quitting his office,

Resolved, That the account of Nathan Jones, a clerk in the war office, for his salary, be made up to the first day of January next, in consideration of his faithful services.²

The committee, consisting of Mr. [Abraham] Clark, Mr. [Samuel] Holten and Mr. [Benjamin] Hawkins, to whom was referred a memorial from Henry Remsen, jun. and Benjamin Bankson, clerks in the secretary's office, report,

That at a time when Congress are taking measures to reduce the national expences, it will be highly improper to augment salaries ~~that have been long acquiesced in, notwithstanding which~~ yet considering the increased labour of the memorialists, occasioned by the reduced number of clerks in the secretary's office, and the temporary suspension of the department for foreign affairs, the committee are of opinion, that some allowance ought to be made them for such extra services: Whereupon,

Resolved, by nine states, That there be allowed to Henry Remsen, jr. and Benjamin Bankson, the two clerks in the secretary's office, two hundred dollars each for their extra services.³

¹ This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 36, II, folio 271. Dunlap's letter, dated October 21, is in No. 78, VIII, folio 39.

² This motion, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 36, II, folio 265. Jones's letter, dated Princeton, October 30, is in No. 41, IV, folio 441.

³ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, V, folio 247.

A contract between his Most Christian Majesty and the United States of America, entered into on the 25 day of February, 1783, being laid before Congress,

Resolved, That the same be ratified in the terms following:

The committee [consisting of Mr. James Madison, Mr. James Wilson and Mr. Stephen Higginson] to whom was committed the contract for six millions of Livres entered into by Doctor Franklin with the Court of France, 25 Feby, 1783, report the following ratification:

THE UNITED STATES IN CONGRESS ASSEMBLED,

To all who shall see these presents, send greeting:

Whereas Benjamin Franklin, our minister plenipotentiary at the Court of Versailles, in pursuance of the powers in him vested, did, on the twenty-fifth day of February, in the year one thousand seven hundred and eightythree, with Charles Gravier de Vergennes, &c. counsellor of the king in all his councils, commander of his orders, minister and secretary of state, &c. vested with full power of his Most Christian Majesty for the purpose, enter into, conclude and sign a contract between his Most Christian Majesty and the United States of North America, in the words following, viz. [Here insert the contract at large.]

Contract between the king and the thirteen United States of North America, passed at Versailles, the 21st February, 1783.

The re-established peace between the belligerent powers, the advantages of a free commerce to all parts of the globe, and the independence of the thirteen United States of North America, acknowledged and founded on a solid and honourable basis, rendered it probable that the said states would be in a condition to provide hereafter for their necessities, by means of the resources within themselves, without being compelled to implore the continuation of the succours

which the King has so liberally granted during the war: But the minister plenipotentiary of the said United States to his Majesty, having represented to him the exhausted state to which they have been reduced by a long and disastrous war, his Majesty has condescended to take into consideration the request made by the aforesaid minister, in the name of the Congress of the said states, for a new advance of money to answer numerous purposes of urgent and indispensable expenses in the course of the present year; his Majesty has in consequence determined, notwithstanding the no less pressing necessities of his own service, to grant to Congress a new pecuniary assistance, which he has fixed at the sum of *six millions livres tournois*, under the title of loan, and under the guaranty of the whole thirteen United States, which the minister of Congress has declared his acceptance of, with the liveliest acknowledgments, in the name of the said states.

And as it is necessary to the good order of his Majesty's finances, and also useful to the operations of the finances of the United States, to assign periods for payment of the six millions livres in question, and to regulate the conditions and terms of reimbursement which should be made at his Majesty's royal treasury at Paris, after the manner of what has been stipulated for the preceding advances, by a former contract of the 16th July, 1782—

We, Charles Gravier Count de Vergennes, &c. counsellor of the king in his councils, commander of his orders, chief of the royal council of finances, counsellor of state, &c. minister and secretary of state, and of his commands and finances, invested with full powers by his Majesty, given to us for the purpose of these presents:

And we, Benjamin Franklin, minister and plenipotentiary of the United States of North America, likewise invested with full powers by the Congress of said states for the same purpose of these presents, after having compared and duly communicated to each other our respective powers, have agreed on the following articles:

ARTICLE I.

The payment of the six millions livres, French money abovementioned, shall be made from the funds of the royal treasury, in proportions of five hundred thousand livres during each of the twelve months of the present year, under the acknowledgments of the minister of the said United States, promising in the name of Congress, and in behalf of the thirteen United States, to reimburse and refund the said six millions livres, in ready money, at his Majesty's royal treasury, at the house of the *Sieur Grand*, banker at Paris, with interest at five per cent. per annum, at periods hereafter stipulated in the third and fourth articles. The advances which his Majesty has been pleased to allow to be made on account of the six millions in question shall be deducted in the payments of the first month of this year.

ARTICLE II.

For better understanding the fixing of periods for the reimbursement of the six millions at the royal treasury, and to prevent all ambiguity on this head, it has been found proper to recapitulate here the amount of the preceding aids granted by the king to the United States, and to distinguish them according to their different classes. The first is composed of funds lent successively by his Majesty, amounting in the whole to the sum of eighteen millions livres, reimbursable in specie at the royal treasury in twelve equal portions

of a million five hundred thousand livres each, besides the interest, and in twelve years, to commence from the third year after the date of the peace, the interest, beginning to reckon at the date of the peace, to be discharged annually, shall diminish in proportion to the reimbursement of the capital, the last payment of which shall expire in the year 1798.

The second class comprehends the loan of five millions Dutch florins, amounting, by a moderate valuation, to ten millions livres tournois, the said loan made in Holland, in 1781, for the service of the United States of North America, under the engagement of the king to refund the capital with interest, at four per cent. per annum, at the general counter of the states general of the United Provinces of the Netherlands, in ten equal portions, reckoning from the sixth year of the date of the said loan, and under the like engagement on the part of the minister of Congress, and in behalf of the thirteen United States, to reimburse the ten millions of said loan in ready money at the royal treasury, with interest, at four per cent. per annum, in ten equal portions of a million each, and in ten periods from year to year, the first of which shall take place in the month of November, 1787, and the last in the same month, 1796: The whole conformable to the conditions expressed in the contract of the 16th July, 1782.

In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance, from the pure generosity of the king, three millions of which were granted before the treaty of February, 1778, and six millions in 1781; which aids and subsidies amount in the whole to nine millions livres tournois. His Majesty here confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States.

ARTICLE III.

The new loan of six millions livres tournois, the subject of the present contract, shall be refunded and reimbursed in ready money at his Majesty's royal treasury, in six equal portions of a million each, with interest at five per cent. per annum, and in six periods, the first of which shall take place in the year, 1797 and so on, from year to year, until 1802, when the last reimbursement shall be completed.

ARTICLE IV.

The interest of five per cent. per annum, of the capital of the six millions mentioned in the preceding article, shall begin to be reckoned from the first of January, of the year 1784, and shall be paid in ready money at his Majesty's royal treasury at Paris on the same day of each year, the first of which shall take place the first of January, 1785, and so on, from year to year, until the definitive reimbursement of the capital; his Majesty being pleased, by a new act of generosity, to present and remit to the thirteen United States the partial interest of the present year, which the underwritten minister of Congress has declared to accept with acknowledgment in the name of the said United States.

ARTICLE V.

The interest of the capital of the six millions shall diminish in proportion to the reimbursements at the periods fixed in the preceding article; Congress and the United States reserving, however, the liberty of freeing themselves by anticipated payments, should the state of their finances admit.

ARTICLE VI.

The contracting parties will reciprocally guaranty the faithful observation of the foregoing articles, the

ratifications of which shall be exchanged in the space of nine months from the date of this present contract, or sooner if possible.

In faith whereof, we, the ministers plenipotentiaries of his majesty and the Congress of the thirteen United States of North America, in virtue of our respective full powers, have signed the present contract, and thereunto affixed the seal of our arms. Done at Versailles, the twenty-fifth day of February, one thousand seven hundred and eighty-three.

(Signed) GRAVIER DE VERGENNES. [L. s.]
B. FRANKLIN. [L. s.]

Now KNOW YE, That we the said United States in Congress assembled, impressed with a lively sense of the assistance and affection manifested by his Most Christian Majesty in the above contract, have ratified and confirmed, and by these presents do ratify and confirm the said contract, and every article thereof; and we do hereby empower our minister plenipotentiary at the Court of Versailles, to deliver this our ratification in exchange for the ratification of the said contract on the part of his Most Christian Majesty. In testimony whereof, we have caused our seal to be hereunto affixed, witness his Excellency E[lias] Boudinot, President, this 31 day of October, 1783, and of our sovereignty and independence the eighth.¹

On the report of a committee, consisting of Mr. [James] Duane, Mr. [Elbridge] Gerry and Mr. [Arthur] Lee, to whom was referred a report of the Secretary for foreign affairs, respecting an agent or consul at Madeira,

The Committee consisting of M^r [James] Duane M^r [Elbridge] Gerry, and M^r [Arthur] Lee to whom was referred the Report of the

¹ The draft of the ratification, in the writing of Stephen Higginson, is in the *Papers of the Continental Congress*, No. 25, II, folio 323. The contract was entered only in the manuscript Secret Journal, Foreign Affairs. The preamble and the concluding paragraph are in the Public Journal, in the Secret Journal, Foreign Affairs, in the Secret Journal No. 4, and in Secret Journal No. 6, Vol. III, as is the Resolution which follows, relating to the election of Mr. Pintard.

Secretary for foreign affairs respecting an agent or Consul at Madeira submit the following Report:

That although no commercial Treaty hath yet taken place between the Queen of Portugal and the United States, your Committee are well informed that in consequence of the Revocation of the Edict of that Queen in 1776 for restraining the commerce of the United States with her dominions, the ships and vessels of these States are permitted and do actually trade at the Island of Madeira, as was usual before the war.

That your Committee are further informed that according to the arrangements established in the Island of Madeira for regulating trade no vessel can be cleared out without passing thro' the office of the agent or consul of the nation to which she belongs. That the clearance of the first American vessel, which arrived at the said Island after the Repeal of the said Edict, meeting with obstructions for want of a Consul or agent on behalf of these States, the Governor thought fit to send for Mr Pintard a Native of the State of New York residing on that Island, and gave him a commission to act in the character of agent for the United States, and then directed the said vessel to pass through his office.

That your Committee are further informed that the British Factory in the said Island regulate the prices of wine, in which is included a national duty of four hundred and sixty reis per pipe which every person who ships in British bottoms is obliged to pay to the Consul of that nation, which duty is applied to the relief and support of distressed British subjects, the governor being allowed annually a certain sum from that fund. That under this pretext every merchant who ships in American bottoms charges the same duty and puts the money in his own pocket.

Upon this state of facts your Committee are of opinion, that tho' no Consul ought to be appointed at the said Island for the United States until the Treaty with the Queen of Portugal now in contemplation shall be compleated, yet that it will be of advantage to appoint an agent, especially as it can be done without expence or inconvenience, and therefore your Committee submit the following Resolution.

Resolved, That a Commercial agent be appointed to assist the merchants and other Citizens of these United States trading to the Island of Madeira, and that John Marsden Pintard be appointed agent accordingly.¹

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 25, II, folio 319.

Resolved, That a commercial agent be appointed to assist the merchants and other citizens of these United States, trading to the Island of Madeira and Porto Santo.

The ballots being taken, Mr. John Marsden Pintard was elected.

According to order, the Hon. P. J. Van Berckel, minister plenipotentiary from their High Mightinesses the States General of the United Netherlands, was ~~introduced~~ admitted to an audience:

And upon being ~~admitted~~ introduced, he addressed Congress in a speech, as follows:

MESSIEURS DU CONGRES: Avant que je vous expose la commission dont Messeigneurs les etats generaux de Pais bas Unis m'ont honoré, permettez moi que je fasse eclater la joye que me cause la satisfaction de me trouver aujourd'hui dans cette assemblée et d'y rencontrer de ces hommes illustres que le siecle present admire que la posterité se proposera toujours pour modèle de patriotisme et dont l'éternité se même ne saura que recompense les mérites.

Pendant que toute l'Europe tenoit les yeux fixés sur vos exploits, leurs Hautes Puissances ne pouvoient que s'y interesser tres sérieusement, se souvenant toujours des dangers et des vicissitudes que leurs pères ont du subir avant que de pouvoir s'affranchir du joug ou ils etoient attachés. Elles connoissoient mieux que tout autre la valeur d'une liberté independante et savoient justement apprecier la grandeur de vos desseins. Elles applaudissoient aux entreprises genereuses, inspirées par l'amour de la Patrie, entraînées avec prudence et soutenues avec un courage heroique; Elles se rejouissent, a la fin, du succes heureux qui couronne vos travaux

Pour vous convaincre de leur affection et de la part qu'elles prennent dans ce qui regarde votre république Mes Maitres m'ont chargés, Messieurs, de vous feliciter de l'accomplissement de vos desirs, qui etoient de faire valoir votre determination absolue et de jouir de ce trésor inestimable et naturel qui vous place au rang des Puissances souveraines et independantes.

Qu'il est flateur pour moi de me trouver aujourd'hui l'organe et l'interprète des sentimens et des dispositions de Mes Maitres et de pouvoir vous assurer de leur part qu'ils ne souhaitent rien plus ardemment que le bonheur de votre republique et l'affermissement de l'union de vos etats! Puisse cette union fondée sur les principes

du vrai patriotisme et de l'amour du bien public, tellement se cimenter que ni la fausse ambition ni la jalousie ni l'interet particulier ne soyent jamais en etat d'y porter la moindre atteinte! Puisse l'administration d'un gouvernement sage et prudent fixer la prosperité et l'abondance au milieu de ce peuple et de combler d'une gloire qui n'ait d'autres bornes que celles des deux poles ni d'autre terme que celui du siecles.

Leurs Hautes Puissances, Messieurs, ne se contentent pas de vous faire uniquement des complimens de felicitacion qui par euxmêmes ne sont que tres steriles mais convaincues qu'un commerce mutuel et une bienveillance reciproque sont les moyens les plus sûrs pour resserrer de plus plus ces sacrés liens d'amitié, qui vous unissent deja Elles m'ont ordonné de vous temoigner qu'elles n'ont rien plus a coeur que de travailler efficacement a rendre cette amitié fertile et fructueuse et de contribuer tout le possible a l'aggrandissement d'un allié dont Elles se promettent les mêmes efforts.

Voila l'esquisse, mais encore une esquisse bien faible et defectueuse des sentimens de Mes Maitres, dont la sincerité surpasse l'expression, mais qui pourtant se manifeste dans les lettres que je viens de vous remettre de leur part. Voila, Messieurs, voila le but de la mission dont Ils m'ont honoré. Puisse je dignement repondre a leur attente, et gagner en même tems votre affection et votre confiance qui me sont si necessaire pour reussir dans mes entreprises! Quant a moi, sans ruse et sans artifice j'agirai toujours avec cette droiture, cette candeur et cette cordialité qui font le caractère distinctif d'un vrai Republicain et qui par le meme me sont autant de titres et de surs garants de parvenir a ce point de mon ambition qui est de m'acquérir les suffrages du Congres, l'amitié de ceux qui le composent et l'estime de toute la nation Americaine.

of which the following is a translation:

GENTLEMEN OF THE CONGRESS, Previous to my laying before you the commission with which their High Mightinesses the States General of the United Netherlands have honored me, permit me to express the joy I feel on finding myself this day in this assembly, and meeting those illustrious men whom the present age admires, and whom posterity will always point to as models of patriotism, and whose merits eternity itself can alone recompense.

While all Europe kept its eyes fixed on your exploits, their High Mightinesses could not refrain from very seriously interesting themselves therein, recollecting as they always did the dangers and difficulties to which their forefathers were sub'ected, before they could

free themselves from the yoke in which they were enthralled. They knew better than any other the worth of independence, and they knew how to set a just value on the greatness of your designs. They applauded your generous enterprise, which was inspired by a love of your country, conducted with prudence and supported with heroic courage; and they rejoiced at the happy success which crowned your labours.

In order to convince you of their affection, and the part they take in whatever regards your republic, my masters have charged me to congratulate you on the accomplishment of your desire, which had for its object the power of your own absolute will, and the enjoyment of that inestimable and natural treasure, which places you in the rank of sovereign and independent powers.

How flattering is it to me to find myself this day the organ and interpreter of the sentiments and dispositions of my masters, and to have it in my power to assure you, on their behalf, that there is nothing which they more ardently wish than the happiness of your republic, and the establishment of the union of your states. May this union, founded on the principles of true patriotism and a love for the public good, be cemented in such a manner, that neither false ambition, jealousy, or private interest, may ever be able to do it the least injury. May the administration of a wise and prudent government, dispense happiness and plenty among the people, and give them a glory extended from pole to pole, and as lasting as ages.

GENTLEMEN, Their High Mightinesses are not content with sending compliments of congratulation, which are in themselves unfruitful, but being convinced that an intercourse of commerce and mutual good will, are the surest means of binding closer the sacred bonds of friendship, which already unite you together; they have commanded me to assure you, that they have nothing nearer at heart, than to labour effectually to render this friendship fruitful and profitable, and to contribute as far as possible to the aggrandizement of an ally, from whom they promise themselves the same efforts. This is a sketch, but a very feeble and imperfect sketch, of the sentiments of my masters, whose sincerity surpasses expression, but which is however manifested in the letter which I shall have the honor to deliver you. This, gentlemen, this is the purpose of the mission with which they have honored me. May it be in my power worthily to answer their expectation, and at the same time to gain your affection and confidence, which are so necessary for the success of my undertaking. As to myself, without guile and without artifice, I shall always con-

duct myself with that rectitude, candor and cordiality, which form the distinguishing character of a true republican, and which is at the same time the best security for my attaining the point of my ambition, which is that of gaining the approbation of Congress, the friendship of its members, and the esteem of the United States of America.¹

He then delivered the letter from their High Mightinesses the States General, which is as follows:

Aan de Vereenigde Staaten van America in het Congres vergadert.
Onse Vrienden en Geallieerden:

Soo zeer en met soo veel genoegen, als wy by de receptie van den Heer Adams UE Minister by onsen Staat, de onafhankelykheid van UE Republie, heben mogen erkennen, soo zeer, en met veel meer blydechap hebben Wy de heuchelyke tyding bekomen, van het sluiten der Preliminaire Articulen, waar by het Hof van Groot-Brittanniën UE voor Vrye en Independenten Staaten verklaard heeft. Wy hebben lang na das gelukkig tydship verlangd, als met inoeite seedert eenige Jaaren gesien hebbende de strubbelingen, en onaange naam breeden waar incede UE hebben moeten worstelen: en Wy wenschen UE met deese heilsa me wilkomst van ganscher herten geluk, opregtelyk deel neemende in UE teegenwoordige aangenaame toestand.

Om een blyk te geeven van onse Sentimenten dien aangaande, en om UE van onse waare hoogagting voor deselve te overtnigen, hebben Wy dienstig gevonden, een Extraordinares Afgezant aan UE toete zenden, Wy hebben daar toe verkoozen, een Heer, van aanzien en wiens personeele hoedanig heeden by ons in veel waarde zyn namentlyk den Heer en Mr. Pieter Johan van Berckel, Burgemeester der stad Rotterdam en Gedeputeerde in onse Vergaderinge. Wy hoopen, en vertrouwen, dat UE gemelden Heer in qualiteit van onsen Minister plenipotentiares gunstig zullen ontfangen, en wanneer hij de eer zal hebben, deere aan UE over te leever en enverder met UE in onderhandeling te treden aan hem volkomen geloof zullen willen geeven als aan ons zelve, verseekerd synde, dat hij niet te sterk zal kunnen vitdrukken, de gevoelens van hoogagting, en eerbied, die Wy zeedert langen tyd hebben gehad voor de Wysheid, cordaalheid, en standvastigheid, waar meede UE zig voor de gantsche waereld beroemt hebben gemaakt.

¹This translation was also entered in the manuscript Secret Journal, Foreign Affairs.

God geeve, dat UE opkomende Republieq, meer en meer voorspoedig moge worden, in luister en aansien toeneemen, en tot aan het einde der dagen subsisteeën.

Wy zullen ons altyd in UE toeneemende welstand verblyden, en verlangen niet meerder als de naauwste vriendschap, en correspondentie met UE te mogen onderhouden, ten besten van weerdersydsche onderdaanen en Ingerzeetenen.

Waar meede eyndegende.

Onse vrienden en Geallieerden, beveelen UE in Godes heylige Protectie. In den Hage den 27 Mey 1783.

UE Gunstige Goede Vrienden

De Staaten Generaal

der Vereenigde Nederlanden

JOOST VAN KUFFELER

Ter ordannantie van deselve

H. FAGEL.

of which the following is a translation:

To the United States of America, in Congress assembled.

OUR FRIENDS AND ALLIES, With very great satisfaction did we, by the reception of the honorable Mr. Adams, your minister with our state, acknowledge the independence of your republic; and with equal and much greater delight have we received the pleasing tidings of the conclusion of the preliminary articles of peace, by which the Court of Great Britain has declared you free and independent states. We have long ardently wished for this happy period, having, for several years past, with sorrow seen the troubles and difficulties with which you were obliged to struggle. And we do most cordially congratulate you on this happy event, sincerely taking a share in your present agreeable situation.

To give a testimony of our sentiments in this respect, and to convince you of our unfeigned esteem, we have thought it proper to send to you an envoy extraordinary; we have for that purpose chosen a gentleman of distinction, whose personal qualifications are in great repute among us; the honorable Mr. Peter John Van Berckel, burgo-master of the city of Rotterdam, and a deputy in our assembly. We hope and trust that you will graciously receive this gentleman in quality of our minister plenipotentiary, and when he shall have the honor to deliver you these presents, and to enter into farther negotiations with you, that you will give full faith unto him as unto ourselves, being assured that he will not be able to express in terms too strong

the sentiments of esteem and reverence which we have for a long time possessed for that wisdom, courage and perseverance by which you have rendered yourselves famous throughout the world.

May God grant that your rising republic may become more and more prosperous; that it may increase in lustre and glory, and subsist to the end of time.

We shall at all times rejoice in your increasing felicity; and we desire nothing more ardently than that we may maintain the strictest friendship and correspondence with you, for the good of the subjects and inhabitants of both countries.¹

This letter being read, the President ~~addressed~~ returned the following answer to the minister:

SIR, In a contest for the rights of human nature, the citizens of the United States of America could not but be impressed with the glorious example of those illustrious patriots, who, triumphing over every difficulty and danger, established the liberties of the United Netherlands on the most honorable and permanent basis. Congress, at an early period of the war, sought the friendship of their High Mightinesses; convinced that the same inviolable regard for liberty, and the same wisdom, justice and magnanimity which led their forefathers to glory, was handed down unimpaired to their posterity; and our satisfaction was great in accomplishing with them a treaty of amity and commerce on terms so acceptable to both nations.

With the sincerest pleasure, sir, we receive the honorable testimonials of confidence and esteem of their High Mightinesses, and their affectionate congratulations on the success of our efforts in the sacred cause of liberty.

We assure you, sir, that it is our earnest desire, to unite with their High Mightinesses in every measure which can promote the most unreserved confidence, and the most friendly intercourse between two nations, which have vindicated their freedom amidst the most trying scenes of danger and distress, and have been equally blessed by the gracious interposition of Divine Providence, with that sovereignty and independence so essential to their safety and happiness.

Governed by the same ardent love of freedom, and the same maxims of policy; cemented by a liberal system of commerce, and earnestly disposed to advance our mutual prosperity, by a reciprocity of good

¹ This translation of the minister's letter, and the President's reply, were also entered in the manuscript Secret Journal, Foreign Affairs.

offices; we persuade ourselves that the most friendly and beneficial connexion between the two republics, will be preserved inviolate to the latest ages.

It adds, sir, greatly to our pleasure on this interesting occasion, that their High Mightinesses have employed as their minister, a gentleman so highly celebrated for rectitude and patriotism, and from whose illustrious family these United States have received the most distinguished proofs of regard and friendship.

The Secretary at War reported, that the following lines, corps and individuals, have agreed to accept the commutation of five years' pay, in lieu of the half pay for life, as appears by the papers accompanying his report:

The lines of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland and Virginia.

Armand's legion, 2 light-dragoons, Hazen's regiment:

Corps of engineers, sappers and miners, Patton's and Pendleton's artificers, Van Heer's troop:

Adjutant general and family, Brigadier General Clinton:

Colonel William Grayson, Colonel Malcom, Lieutenant Colonel Morris:

Major Franks, Major Aquilla Giles, Major McPherson, Major Burnet, Major Barber, Major Bruin, of the artificers, Captain Turner, Captain Bentalou, Captain John Stevens, Captain McLane, Captain Second, Lieutenant Beaulieu, Lieutenant Jolibois; hospital department, and Dr. Tilton, Dr. Bodo Otto, Dr. Frederick Otto, Dr. Martin.

The Rev. Mr. Ellis, Mr. Plumb, and Mr. Armstrong.¹

Resolved, That the Agent of Marine issue to Mr. Morant late a lieutenant in the Navy of the State of South Carolina the commission of lieutenant in the Navy of the United States of America in consideration of his services as a volunteer in the Navy of the United States particularly his brilliant and exemplary conduct on the

¹ This report is in the *Papers of the Continental Congress*, No. 149, III, folio 281. Letters accepting the commutation are on folios 285-481.

day of 17 on board the *Bonne Homme Richard*, Capt. J. P. Jones, in taking the British ship of war *Serapis* 44 guns.¹

SATURDAY, NOVEMBER 1, 1783

On the report of a committee, consisting of Mr. [Alexander] Hamilton, Mr. [James] Madison and Mr. [Richard] Peters, to whom was referred a letter of 14 March, 1783, from the Secretary at War:

Resolved, That all lieutenant colonels commandant in the army of the United States, shall rank as full colonels from the date of their respective commissions, and that new commissions issue accordingly, the resolution of the 27 of May, 1778, notwithstanding.²

On the report of a committee, consisting of Mr. S[amuel] Huntington, Mr. A[rthur] Lee and Mr. [James] Duane, to whom were referred a letter from Captain J. P. Jones, to the agent of Marine, of the 13 of October, and a letter from him to Congress of the 18 of the same month,

Resolved, That Captain John Paul Jones be, and he hereby is recommended to the minister plenipotentiary of the United States, at the Court of Versailles, as agent, to solicit under the direction of the said minister for payment and satisfaction to the officers and crews ~~under his command~~ for all prizes taken in Europe ~~by any squadron or ship~~ under his command, and to which they are anywise entitled. And that the said Captain Jones, shall

~~be entitled to a commission of ——— per cent on all the money he shall receive as full compensation for his services and expenses and shall distribute the same among~~

¹ This resolution, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, IV, folio 127. According to the indorsement and the record in Committee Book 186, it was a motion of Read, and was on this day referred to Mr. [Jacob] Read, Mr. [William] Ellery and Mr. [Arthur] Lee, who delivered a report November 1.

² This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 21, folio 371. The indorsement states that it was made by Mr. [James] McHenry, Mr. [Richard] Peters and Mr. [James] Duane.

[receive the commission usually allowed in such cases,] out of the money which he shall recover as agent for the said prizes, in full compensation for his services and expences:

~~[and that the said Captain Jones give bonds to the said Superintendant of Finance with sufficient security for the faithful discharge of said trust and for the just distribution of such prize money as he may receive:]~~

(provided always, that the said Captain J. P. Jones, previous to his entering upon the execution of the said trust, shall give to the Superintendant of finance, for the benefit of all concerned, sufficient bonds with good security, for the faithful discharge thereof, and for the just payment of the same to the said Superintendant of finance, to be by him distributed to those persons who may be entitled thereto.)¹

The committee consisting of Mr. [Jacob] Read, Mr. [William] Ellery and Mr. [Arthur] Lee, to whom was referred the motion of Mr. [Jacob] Read relative to the promotion of Mr. Morant to the rank of lieutenant in the Navy of the United States of America

Report, That they have received the most honourable testimony from Captain John Paul Jones of the bravery and good conduct of Mr. Morant during the time he was on board the *Bonne Homme Richard* and particularly on the day of in the engagement between that Ship and the British Ship of forty four guns called the *Serapis* and that he considers Mr. Morant as a very fine character to be promoted in the Navy of the United States.

The committee therefore recommend that the Commission of Lieutenant in the Navy of the United States issue to Mr. Morant.²

A letter, of this day, from Major General Greene, was read, stating, that the letters and miscellaneous papers, containing a history of the most material parts of the southern opera-

¹ This resolution was entered also in the manuscript Secret Journal, Foreign Affairs and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

The report, in the writing of James Duane, except the portions in brackets which are in the writing of William Ellery and the portion in parentheses which is in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 19, III, folio 305.

² This report, in the writing of Jacob Read, is in the *Papers of the Continental Congress*, No. 19, IV, folio 123. The indorsement states that it was read and entered November 1.

tions, may contain some things which Congress or their officers may hereafter have occasion to refer to: That if Congress should think it an object worthy the expence, he would be glad to get the whole papers transcribed into bound books, and would take the trouble of directing the business, if Congress will be at the expence of a clerk to do the writing: Whereupon,

Ordered, That the secretary ~~employ an additional clerk to copy and digest~~ furnish General Greene with a clerk, to copy into a book or books, ~~such~~ the papers or letters in his possession, relative to the southern operations; ~~as shall be furnished him by Major General Greene and that the said clerk conduct the business agreeably to such instructions as may be given by Major General Greene and that the record thereof be lodged in the secretary's office:~~¹

Resolved, That the agent of marine provide Captain J. P. Jones with a passage to France, in the ship *Washington*.

On a report from the Secretary at War, to whom was referred a petition from Lieutenant Richard Fullerton, and a motion thereon; Congress came to the following resolution:

WAR OFFICE Nov. 1, 1783.

SIR,

The honorable testimonials in the hands of Mr Fullerton leave no room to doubt but that his merits claim the attention of his country, and there is nothing, in my opinion, which can raise a doubt in the mind of any respecting the propriety of his being promoted but the precedent which may be given thereby, and the various claims that may be founded thereon, but these may be obviated by a determination to promote hereafter, on application, officers who have similar claims, and who shall produce equal testimonials of their merit.²

Lieutenant Richard Fullerton, having acted as a volunteer at an early period of the war, particularly in the action on

¹ This order is in the *Papers of the Continental Congress*, No. 19, II, folio 509. Greene's letter is in No. 155, II, folio 668.

² This report is in the *Papers of the Continental Congress*, No. 149, III, folio 491. Fullerton's petition, with enclosures, is in No. 42, III, folios 81-96. It is undated, but according to the indorsement, it was read November 1, and referred to the Secretary at War.

Long Island, and at the battles of Trenton and Princeton; and having discharged the several extra appointments of adjutant, major of brigade, and the important one of assistant adjutant general to the southern army, highly to the satisfaction of his general officers:

Resolved, That the Secretary at War issue to Lieutenant Fullerton, the brevet commission of captain.¹

On motion of Mr. [William] Ellery, seconded by Mr. [Hugh] Williamson,

Ordered, That ~~a committee be appointed to~~ the postmaster general enquire into the circumstances of the mail being stolen out of the post office in Princeton, on last Thursday evening, and make report thereof to Congress.²

The committee, consisting of Mr. [Daniel] Carroll, Mr. [James] Duane and Mr. S[amuel] Huntington, to whom was referred a motion of Mr. [James] Wilson, to devise means for procuring a full representation in Congress, having reported,

That whether from the peculiar circumstances some of the states have been under during the war, or that the states in general were not sufficiently impressed with the importance of keeping up a constant representation in Congress, the committee cannot find, on examining the Journals, notwithstanding the repeated earnest recommendations for that purpose, that all the states have been represented at the same time: it appears that frequently there have not been more than nine states, and too generally not more than a competent representation for the lesser objects of the Confederation. As the Articles of Confederation are silent on this subject, any further than by fixing the number of delegates for each State, and by declaring how many shall constitute a representation, the committee presume such silence was in consequence of a firm reliance that the states could not be inat-

¹ This motion, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 19, II, folio 359.

² This motion, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 36, II, folio 275.

tentive to a duty not only essential to the interests of each State, but likewise to a principle on which the federal government itself rests.

The Articles of Confederation requiring, for certain purposes, the agreement of nine states; and as it has seldom happened more than that number have attended, the committee conceive, that not only the injury the public and individuals have suffered thereby, have been occasioned, in many instances, by the absence of the delegates of some of the states, but likewise that the spirit of the Articles of Confederation have been defeated, by making an unanimity necessary, whereas nine only out of thirteen are required. And the committee are further of opinion, that unless the states pursue effectual measures for keeping up a constant representation, another material object of the Confederation will be frustrated. The delays unavoidable for want of a full representation, will, they conceive, oblige Congress to remain sitting the whole year, whereas by the Articles of the Confederation it appears, that it was expected part of the business of the United States would be transacted by a committee of the states.

The committee therefore are of opinion, that it should be earnestly recommended to the respective states, to take the most effectual measures to maintain, at all times, while Congress are sitting, a full representation, that the delay of business, which has proved so injurious to the public, and grievous to individuals, may no longer be a subject of complaint.

Resolved, That Congress agree to the said report;

And in order that the states may have a proper knowledge of the circumstances Congress shall be under in this respect,

Resolved, That every morning, at eleven o'clock, an account be taken of the attendance of the several delegates in Congress, and a copy thereof, together with an account of the states unrepresented, be sent to the executive of each State.¹

¹ This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 23, folio 145.

On the report of a committee, consisting of Mr. S[amuel] Huntington, Mr. [James] Duane and Mr. [James] Madison, to whom were referred, among other things, a letter from the Superintendant of finance, of the 15 of September last, and sundry papers therein enclosed,

The Committee consisting of Mr [Samuel] Huntington, Mr [James] Duane and Mr [James] Madison, to whom were referred among other things a letter from the Superintendant of Finance of the 15th of September last with sundry enclosures, having already reported on several of the subjects arising from the said letter and papers, now beg leave to submit their report on what remains for their consideration.

That the Farmers General of France in pursuance of their contract made on the 24th day of March 1777, with Messrs. Franklin and Deane did on the 3rd day of June following advance to the said Messrs. Franklin and Deane for the use of the United States one million of Livres; that this loan constitutes the first article of the national debt as it was estimated and approved of in Congress on the 29th of April 1783, and laid before the respective States with requisitions for satisfying or securing the public creditors.

That among the papers now under the deliberation of your Committee is an account current stated between the Farmers General of France and the said Messrs. Franklin and Deane expressed to be as well in their name as founded on the power of Congress; from which it appears that the original of the said account was subscribed by the said Doctor Franklin as well as by the Farmers General; that the United States are debited in that account with the said one million of livres, and credited by the proceeds of sundry cargoes of tobacco remitted on account of the said contract to the amount of one hundred and fifty three thousand two hundred and twenty nine livres, five sous, and seven deniers: That thus a balance remained due on the said loan to the said Farmers General, on the 17th of November, 1781, to the amount of eight hundred and forty-six thousand seven hundred and seventy livres fourteen sous and five deniers.

That the Farmers General in a letter to Dr Franklin dated the 17th of July, 1783, express their desire that the balance of the said loan may be discharged, declaring that they had not spoken to him on that subject during the war and that they did not ask interest for the loan; but pressing for the remittances of the value of ~~their debt~~

the principal in tobacco, on the terms, and in the manner therein mentioned.

That in the opinion of your Committee it will be highly improper for the United States to engage in commercial plans of any kind, or on any account whatsoever. They therefore ~~humbly~~ propose the following resolution:

Resolved, That it be an instruction to the Superintendent of finance, to inform the farmers general of France, that Congress are sensible of their generous attention to the circumstances of the war in which these United States have been so long engaged, and which, interrupting their commerce, deprived them of the means of seasonable remittances, to satisfy the balance so justly due on the loan made by them.

That the United States in Congress assembled, in providing for the national debt, by their act of the 18 day of April, 1783, were not unmindful of the demands of the said farmers general; and when the system thereby adopted for the relief of the public creditors shall have taken effect, the interest accruing on the balance due to the said farmers general will be punctually remitted. And that if this arrangement shall not prove satisfactory to the farmers general, they shall be assured in the name of the United States, that all the means in their power shall be employed to discharge the principal sum due to the said farmers general, as soon as the condition of the public finances will admit.¹

On the report of a committee, consisting of Mr. [Benjamin] Hawkins, Mr. [Arthur] Lee and Mr. [James] Duane, to whom was referred a memorial of Lieutenant William Stewart,

That the Memorialist, acting as appears in the line of his duty, in suppressing a pernicious trade and intercourse carried on with the enemies of the United States has been brought into embarrassments from which he can only be extricated by the Courts of Justice. That the relief he prays for, is reasonable, and should be so far complied

¹ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 26, folio 461.

The resolution was also entered in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

with as the situation of our funds will admit, and thereupon submit the following resolution:

Resolved, That the superintendant of finance take order for paying Lieutenant William Stewart, ~~one~~ two months pay on account.¹

On motion of Mr. [Samuel] Holten, seconded by Mr. [Hugh] Williamson,

Resolved, That the several matters now before Congress, be referred over and recommended to the attention of the United States in Congress assembled, to meet at this place on Monday next.²

The committee of the week [Mr. Benjamin Huntington, Mr. John Montgomery and Mr. David Howell] report that the petition of Richard Frothingham Field Commissary of Military Stores and the officers serving under him, be read in Congress.³

¹ This report, in the writing of Benjamin Hawkins, is in the *Papers of the Continental Congress*, No. 19, V, folio 419.

² This motion, in the writing of Samuel Holten, is in the *Papers of the Continental Congress*, No. 36, II, folio 273.

³ This report, in the writing of Benjamin Huntington, is in the *Papers of the Continental Congress*, No. 42, III, folio 79. Frothingham's petition, dated October 28, is on the same folio. The indorsement shows that it was received November 1, and referred December 18 to Mr. [Hugh] Williamson, Mr. [James] Tilton and Mr. [James] Monroe.

On this day, according to the indorsement, was read the memorial of John Ettween, Andrew Hübner and Hans Christian de Schweiniz, dated Philadelphia, October 28, 1783. It was referred to Mr. [Hugh] Williamson, Mr. [Arthur] Lee, and Mr. [Samuel] Osgood. It is in No. 41, III, folio 73.

Also, a letter, dated London, April 30, from Elk^b Watson, Jr., relative to emigration. It is in No. 78, XXIV, folio 363.

Also, according to the indorsement, a letter of November 1 from the Secretary at War, respecting horses carried off by dragoons who deserted from South Carolina, was referred to Mr. [Hugh] Williamson, Mr. [Jacob] Read and Mr. [Arthur] Lee. It is in No. 27, folio 261.

Also, a letter, of November 1, from the Secretary at War, respecting the claims of Lieutenant Jolibois, was read on this day and referred to Mr. [Arthur] Lee, Mr. [James] McHenry and Mr. [William] Ellery. It is in No. 149, III, folio 495. According to the indorsement, and the record in Committee Books No. 186 and No. 191, the committee delivered a report November 3, 1783, which was passed April 15, 1784.

Also, a letter of September 1 from the Governor of North Carolina stating that the legislature has made provision for pay due the Continental Line. It is in No. 72, folio 163.

Also, a letter of October 28 from Lewis Garanger relative to his condition. It is in No. 78, X, folio 455.

MONDAY, NOVEMBER 3, 1783

Pursuant to the Articles of Confederation, the following delegates attended:

FROM THE STATE OF NEW HAMPSHIRE.

Mr. A[biel] Foster, who referred to his credentials dated 18 February, 1783, read in Congress the 29 July last, and recorded in the book of credentials, page 83.

MASSACHUSETTS.

Mr. E[lbridge] Gerry, who produced a certificate under the seal of the State, signed John Avery, secretary, and dated 23 October, 1783; setting forth, that he was elected, on the 27 June last, by joint ballot of both houses of assembly, a delegate to represent that Commonwealth in the Congress of the United States of America.

COMMONWEALTH OF MASSACHUSETTS

[Seal]

Council Chamber Boston Oct: 23^d 1783

This may certify That the Honble Elbridge Gerry Esq^r was on the 27th June last Elected by joint ballot of both Houses of Assembly a Delegate to represent this Commonwealth in the Congress of the United Staes of America

JOHN AVERY Sec^y ¹

Mr. S[amuel] Osgood, who produced a letter from the said J. Avery, dated 9 July, 1783, informing him, that he was that day elected by joint ballot of the senate and house of representatives, agreeable to the constitution, to serve as a delegate from that Commonwealth in the United States in Congress assembled, for one year, to commence the first Monday in November.

BOSTON, July 9th, 1783

SIR,

I am directed to inform you of your Election this Day by joint Ballot of the Senate and House of Representatives agreeable to the

¹ The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

Constitution to serve as a Delegate from this Commonwealth in the United States in Congress Assembled for one year to commence on the first Monday in November next

I am Sir with great Respect

Your Honor's

very hum^l Serv^t

JOHN AVERY Sec^y ¹

Hon^{ble} Samuel Osgood, Esq.

RHODE ISLAND AND PROVIDENCE PLANTATIONS.

Mr. W[illiam] Ellery and Mr. D[avid] Howell, who referred to the credentials read in Congress the 30 of June last, and registered in book of credentials, page 76.

CONNECTICUT.

Mr. S[amuel] Huntington and Mr. B[enjamin] Huntington, who produced credentials under the seal of the State, and signed George Wyllys, secretary; by which it appears, that at a general assembly of the governor and company of the State of Connecticut, in America, holden at Hartford, on the second Thursday of May, A. D. 1783, the honorable Samuel Huntington, the honorable Oliver Ellsworth, the honorable Oliver Wolcott, the honorable Benjamin Huntington, Jedediah Strong, esq. Stephen Mix Mitchell, esq. and the honorable Richard Law, were elected and publicly declared to be delegates to represent that State in the Congress of the United States, according to law.

State of Connecticut:

At a General Assembly of the Governor and Company of
[SEAL] the State of Connecticut in America, holden at Hartford on
the second Thursday of May Anno Dom 1783

THIS DAY being appointed by LAW for the Choice of Delegates to represent this State at the Congress of the United States, Proclamation was made, and the Votes of the Freemen were given in to the Persons appointed by the Assembly to receive Sort and count them

¹ The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

and declare the Names of the Persons legally Chosen to the Office aforementioned which Persons so appointed were, William Pitkin Esq^r Col^o Sage, Cap^t Hillhouse, M^r Selden, M^r Sturgiss, Cap^t Mosely and M^r Miles, who were sworn to a faithful discharge of that Trust, And the Votes of the Freemen being brought in Sorted and Counted,

The Hon^{ble} Samuel Huntington Esq^r the Hon^{ble} Oliver Elsworth Esq^r, The Hon^{ble} Oliver Wolcott Esq^r, the Hon^{ble} Benjamin Huntington Esq^r, Jedidiah Strong Esq^r, Stephen Mix Mitchell Esq^r and the Hon^{ble} Richard Law Esq^r were elected and publicly declared to be Delegates to Represent this State in the Congress of the United States according to Law.

Teste GEORGE WYLLYS *Secret^y*¹

NEW YORK.

Mr. James Duane, who referred to the credentials of the delegates of that State, produced and read the 25 of November, 1782, and registered in the book of credentials, page 48.

NEW JERSEY.

Mr. E[lias] Boudinot, who referred to the credentials of the delegates of that State, produced and read in Congress the 5 November, 1782, and registered in the book of credentials, page 46.

MARYLAND.

Mr. D[aniel] Carroll, who referred to the credentials of the delegates of that State, produced and read in Congress [March 10], and registered in the book of credentials, page 67.

Mr. J[ames] McHenry, who referred to the credentials produced by him and read in Congress 11 June, 1783, and registered in the book of credentials, page 71.

VIRGINIA.

Mr. J[ohn] F[rancis] Mercer and Mr. A[rthur] Lee, who produced an extract from the journal of the house of delegates of that State, dated Friday, 6th June, 1783, and signed

¹ The original is in the *Papers of the Continental Congress*, Connecticut, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

John Beckley, Cl. H. D. by which it appears, that on that day, Thomas Jefferson, Samuel Hardy, John Francis Mercer, Arthur Lee, and James Monroe, esqrs. were elected by joint ballot of the senate and house of delegates, delegates to represent that State in Congress for one year, from the first Monday in November.

VIRGINIA

IN THE HOUSE OF DELEGATES

Friday the 6th of June 1783

The House according to the order of the day proceeded by joint Ballot with the Senate to the choice of five Delegates to represent this State in Congress for one year from the first Monday in November next and the Members having prepared tickets with the names of the Persons to be appointed and deposited the same in the Ballot Boxes Mr Mann Page, Mr Thruston, Mr Alexander White, Mr Wilson Miles Cary, Mr Edmondson, Mr Stephens Thomson Mason and Mr Zachariah Johnston were nominated a Committee to meet a Committee from the Senate and jointly with them to examine the Ballot Boxes and report to the House on whom the Majority of Votes should fall.

THE COMMITTEE then withdrew and after some time returned into the House and reported that they had according to order met a Committee from the Senate in the Conference Chamber and jointly with them examined the Ballot Boxes and found a majority of Votes in favor of Thomas Jefferson Samuel Hardy John Francis Mercer Arthur Lee and James Monroe Esquires.

Extract from the Journal

JOHN BECKLEY *Cl.: H. D.*

VIRGINIA,

IN THE SENATE.

Friday 6th June 1783.

The House according to the order of the day proceeded by joint ballot with the House of Delegates to the choice of five Delegates to represent this State in Congress for one Year from the first Monday in November next and the members having prepared tickets with the names of the persons to be appointed and deposited the same in the Ballot Boxes, Mr Taylor, Mr Bassett and Mr Hubbard were nominated a Committee to meet a Committee from the House of Delegates and jointly with them to examine the ballot boxes and report to the House on whom the Majority of Votes should fall.

The Committee then withdrew and after some time returned into the House and reported that they had according to order met a Committee from the House of Delegates in the Conference Chamber and jointly with them examined the Ballot Boxes and found a Majority of Votes in favor of Thomas Jefferson, Samuel Hardy, John Francis Mercer, Arthur Lee and James Monroe esquires.

Extract from the Journal.

WILL DREW, C. S.¹

NORTH CAROLINA.

Mr. [Benjamin] Hawkins, and Mr. [Hugh] Williamson, who referred to the credentials of the delegates for that State produced and read in Congress 14 May, 1783, and registered in the book of credentials, page 68.

SOUTH CAROLINA.

Mr. J[acob] Read, who referred to credentials produced by him and read in Congress 17 June, 1783, and registered in book of credentials, page 72.

Mr. R[ichard] Beresford, who referred to credentials produced by him and read in Congress 30 May, 1783, and registered in book of credentials, page 70.

Seven states being represented, they proceeded to the choice of a President; and, the ballots being taken, the honorable Thomas Mifflin was elected.

The President not being present, the states proceeded to the choice of a chairman; and, the ballots being taken, the hon. Daniel Carroll was elected.

On motion of Mr. [James] Duane, seconded by Mr. [James] McHenry,

Resolved, That the thanks of Congress be given to the hon. Elias Boudinot, late President of Congress, in testimony of their approbation of his conduct in the chair, and in the execution of public business.

¹ The originals are in the *Papers of the Continental Congress*, Virginia, *Credentials of Delegates*. The certificate from the House of Delegates was entered in No. 179, *Record of Credentials*; but neither was entered in the Journal.

On motion of Mr. [David] Howell, seconded by Mr. [Samuel] Osgood,

Resolved, That all committees appointed by the last Congress, and having business before them be, and they are hereby authorised to proceed in the same, and that they make report as soon as may be.

On a report from the Secretary at War, to whom was referred a letter from Colonel Moylan:

WAR OFFICE, Oct. 29, 1783.

SIR,

In considering the request of Colonel Moylan, which has been referred to me, that he may be promoted to the rank of Brigadier General by Brevet, I find that his case, tho' hard for he is justly esteemed a deserving officer, is not peculiar. Colonel Elbert of the Georgia line, Colonel Pinckney of the South Carolina line, and Colonel Russell of the Virginia line were all Colonels in the year 1776, and were superceded by the resolution of Congress of the 9 of May 1782, which has been a source of discontent in the minds of those deserving officers. All others who were superceded by that resolve have been since promoted.

I beg leave therefore to offer to the consideration of Congress the propriety of promoting to the rank of Brigadier Generals by Brevet Colonel Stephen Moylan, Colonel Samuel Elbert, Colonel Charles Cotesworth Pinckney and Colonel William Russell.¹

Resolved, That Colonel Stephen Moylan, Colonel Samuel Elbert, Colonel Charles Cotesworth Pinckney, and Colonel William Russell, be promoted to the rank of brigadiers by brevet.

On the report of a committee, consisting of Mr. [Abraham] Clark, Mr. [Richard] Peters and Mr. S[amuel] Huntington, to whom was referred a letter of 4 October, from the paymaster general,

Resolved, That the paymaster general be informed, that all moneys drawn on account of pay, by commanding officers and paymasters of regiments, and not ~~actually~~ paid over to the officers and soldiers of the corps for which such pay was

¹ This report is in the *Papers of the Continental Congress*, No. 149, III, folio 271.

drawn, should be accounted for in the settlement of their accounts with the paymaster general; and such accounting will be a sufficient discharge to the commanding officers and paymasters respectively.

Resolved, That the paymaster general deposit in the hands of regimental agents, the certificates for the arrears of pay due to the officers and soldiers of the respective lines, to be by them delivered to the individuals to whom they belong, or deposited for their benefit as the supreme executive of the State to which the respective agents belong shall direct.

Resolved, That ~~the late commissary general of issues be and he is hereby directed~~ the Superintendant of finance take measures for compelling the officers late in the issuing department, forthwith to furnish the paymaster general, with accounts against the officers of the respective lines, for articles furnished out of the public magazines in that department, to the end, that no farther delay may prevent the adjustment of the accounts of those officers with the paymaster general.¹

On a report of the Secretary at War:

WAR OFFICE Oct: 29. 1783.

SIR,

Captain Pendleton who commanded a company of artificers represents to me that he has offered his accounts to the Pay Master General for settlement and that a doubt arises in the mind of Mr Pierce whether the powers which have been delegated to him will embrace these accounts as the men which compose the company are from different states. And as the states were requested to settle with their own troops, some of the states to which these Men belong have made a partial settlement with them, others have not taken any care of the Men.

Captain Pendleton has been very diligent and successful in procuring the accounts of money advanced to his company for which full credit is given. Nothing more is necessary than to direct the

¹ This report, in the writing of Samuel Huntington, is in the *Papers of the Continental Congress*, No. 19, V, folio 183.

Pay Master to adjust the accounts of Captain Pendleton for his company of artificers

A regiment of Men were raised in the northern department by Colonel Bedle in April, 1778, under the orders of Major General Gates, and were continued in service one year during which time monies were advanced to them, but their accounts have not been closed. A doubt also may arise in the mind of the Paymaster whether he has a right by his present power to close the accounts of this regiment which would cause a great delay and operate much to the injury of the Corps, and to the Gentleman who is now here from the State of New Hampshire to obtain a settlement.

From this state of the cases I beg leave to submit to the consideration of Congress the following draught of a resolve:

Resolved, That John Pierce, paymaster general, be directed to settle the accounts of Captain Pendleton, for himself and company of artificers, and those of the late regiment of Colonel Bedle, and give certificates of the balance or balances, should there be any due, as is given to the line of the army.¹

On motion of Mr. [James] McHenry, seconded by Mr. [Elbridge] Gerry,

Resolved, That the chairman, in the absence of the President, be, and he is hereby empowered and directed to adjourn Congress on the 6th instant, to meet at Annapolis on the 26th, agreeable to the resolution of the 21 of October last.²

The Committee consisting of Mr [James] Duane, Mr S[amuel] Huntington Mr [Hugh] Williamson, Mr [Elbridge] Gerry and Mr [Abraham] Clark, to whom were referred the memorial of Mr Joseph Nourse praying for an augmentation of his salary as Register are of opinion that the consideration of the said memorial ought to be suspended until the Committee on the Civil List shall have made their Report.³

The Committee [Mr. Samuel Osgood, Mr. William Ellery and Mr. James Duane] to whom was referred the letter of the Superintendant of Finance of the 23^d of October, 1783, enclosing a letter from Mr D. Mercier one of the Executors to the will of the late George Measam

¹ This report is in the *Papers of the Continental Congress*, No. 149, III, folio 263.

² This motion is in the *Papers of the Continental Congress*, No. 23, folio 153.

³ This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, IV, folio 505. According to the indorsement, it was read this day, and was answered by the Act of 23 March, 1787.

with a copy of his last Will and Testament whereby it appears that he has made the United States his residuary legatee, Submit the following Report:

That Mr D. Mercier be informed that Congress feel themselves sensibly impressed with the disinterested attachment of the testator to the welfare and prosperity of the United States in bequeathing his residuary estate to the Board of Treasury of the United States for the sole purpose of promoting and assisting in the prosecution of the war and bringing the same to happy termination. But as the period is happily arrived when the United States enjoy the object of their wishes by the establishment of peace and independence, the legacy cannot be applied agreeably to the intention of the testator.

Therefore, Resolved, That the United States in Congress assembled do hereby fully release to the executors of the last Will and Testament of the said George Measam all right and title to his estate as the residuary legatees appointed by his last Will and Testament to be applied and distributed among his legal representatives as the law would have directed in case he had died intestate.¹

TUESDAY, NOVEMBER 4, 1783

Mr. [Thomas] Jefferson, a delegate for Virginia, attended, and took his seat.

Congress took into consideration the report of the committee appointed to enquire fully into the proceedings of the department of war, and the same being read:

Ordered, That it be entered on the Journal. The report is as follows:

The committee, consisting of Mr. [John] Rutledge, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Alexander] Hamilton and Mr. [Theodorick] Bland, appointed to enquire into the proceedings of the department of war, and to report the result of their enquiries; report,

That they have enquired fully into the proceedings of the department of war, from the first Monday in January, to the first Monday in July, 1782, and from that time, until the

¹ This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 19, IV, folio 419. The indorsement states that it was read this day and on February 1, 1786, postponed.

first Monday in January, 1783, and find that the Secretary at War hath faithfully executed and discharged the several powers and duties committed to and required of him, by the resolves of Congress.¹

WAR OFFICE *November 4, 1783*

SIR,

By the resolves of Congress of the 17th January, 1782, the Secretary at War was empowered to appoint an Assistant Secretary and two clerks—they were accordingly appointed. The Secretary Mr Carleton only remains in office. By a farther resolve of Congress of the 24th July following additional powers were delegated to the Secretary at War, and the Department of Military Stores was placed under his immediate direction, and he ordered to appoint a Commissary of Military Stores, and such other officers in the Department, as should be found necessary. The Commissary Mr Hodgdon, is yet in service, and a few others at the different stores.

The Secretary in the War Office, Mr Carleton, Mr Hodgdon and an assistant at each of the magazines ought at present, in my opinion, to be retained in service, unless a Secretary at War should be immediately appointed. Some mode therefore should be immediately adopted upon the adjournment of Congress to retain these officers, or they may think themselves discharged on the twelfth instant, the time I am permitted by Congress to retire. Should nothing be done by Congress, and these officers at that time quit the service, very disagreeable consequences may follow, as no person will then be responsible either for the papers of the War Office, or our military stores.

I would farther represent to Congress that the greatest part, indeed nearly all the military stores belonging to the United States, are now lodged in the State of Pennsylvania, and in the States East of that.

From an expectation, that magazines would be erected in Virginia and South Carolina, I have kept in store a quantity of Ordnance and Ordnance Stores at Providence and at the Head of Elk, as those at Providence might with ease be thrown into the Magazines in South Carolina by water, and those at the Head of Elk into the Magazines in Virginia.

¹ This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 27, folio 253.

These Magazines have not been built for reasons well known to Congress, and if the idea of erecting them in the spring should be dropped—I hope it will not—these Military Stores, being very insecure, should be removed this winter to magazines of greater security; but if Congress are still in opinion that the measure is indispensable, the stores ought not to be removed, as doing it would involve the public in a very considerable expence; besides it would embarrass and delay their being lodged in proper Magazines when they should be erected and greatly augment the cost of doing it. I wish the direction of Congress on these points.¹

On motion of Mr. [Hugh] Williamson, seconded by Mr. [Samuel] Osgood,

Resolved, That Samuel Hodgdon, commissary of military stores, under the appointment of the Secretary at War, be continued in that office until the farther order of Congress, and that he be empowered to continue such assistants as may be necessary to take care of the military stores.

That Joseph Carleton, secretary in the war office, be continued in office until the further orders of Congress.

That the Secretary at War instruct Mr. Hodgdon, not to remove from the town of Providence, in the State of Rhode Island, and the head of Elk, the military stores at present deposited at those places respectively, till the further orders of Congress.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Hugh] Williamson,

Resolved, That the chairman of Congress, in the absence of the President, give the necessary directions respecting the President's household.

On the report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [Hugh] Williamson and Mr. [James] Tilton, to whom was referred a letter of 30 March last, from Major General Lincoln:

The Committee to whom was referred the letter of Major General Lincoln of the have examined the list of bills drawn by

¹ This report is in the *Papers of the Continental Congress*, No. 149, III, folio 499.

him whilst commanding in the Southern Department, and find sufficient vouchers to support charges against the Commissary of purchases, the Quarter Master, the Clothier, the Pay Master, Purveyor of the Hospital and the Navy, for five millions four hundred and twenty four thousand one hundred and nine dollars; and that bills to a considerable amount are yet outstanding, which when presented for payment ought also to be charged to the Departments in whose favor they were respectively drawn. Wherefore your Committee submit the following resolution:

Resolved, That Major General Lincoln be credited, in the books of the treasury, the sum of five millions four hundred and twenty four thousand one hundred and nine dollars, and that the several departments be charged with the amount of the bills drawn in their favor: And that all such bills as may hereafter be presented for payment, be charged to the departments in whose favor, from the face of the bill, they shall appear to have been drawn; and that Major General Lincoln be credited for the amount thereof.¹

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [James] McHenry,

That the Commander in Chief be authorised and directed, after the evacuation of New York by the British forces, to discharge the federal army, except 500 men, with proper officers, or such number as he may judge necessary for garrisoning the posts, and guarding the public magazines of the United States.

And that this motion be referred to the Commander in Chief, to take order.

On the question to agree to this, the yeas and nays being required by Mr. [James] McHenry,

¹ This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 19, III, folio 577.

<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Gerry,	ay	} ay	Mr. Jefferson,	no	} ay
Osgood,	ay		Mercer,	ay	
<i>Rhode Island,</i>			Lee,	ay	
Mr. Ellery,	ay	} ay	<i>North Carolina,</i>		
Howell,	ay		Mr. Hawkins,	no	} div.
<i>Connecticut,</i>			Williamson,	ay	
Mr. S. Huntington,	ay	} ay	<i>South Carolina,</i>		
B. Huntington,	ay		Mr. Read,	no	} div.
<i>Maryland,</i>			Beresford,	ay	
Mr. Carroll,	ay	} ay			
McHenry,	ay				

So the question was lost.

On motion of Mr. S[amuel] Huntington, seconded by Mr. [Hugh] Williamson,

Resolved, That the resolution passed yesterday, empowering the chairman to adjourn Congress on the 6th, be re-considered and altered to the 4th.

On motion, *Resolved*, That this Congress be, and it is hereby adjourned to meet at Annapolis on the 26 day of this present month.

The Committee consisting of [Abraham Clark, Arthur Leo and Elbridge Gerry] to whom were referred the report of the superintendant of finance on the Letters of Benjamin Stelle commissioner for settling accounts in the State of Pennsylvania report,

That they have duly considered the matters to them referred and are of opinion it is unnecessary at this time to give any instructions to the commissioners relative to their settling the accounts between the United States and particular States, as it will be proper for the commissioners to pay their first attention to the settlement of accounts of individuals against the U. S. within the States for which they are respectively appointed, and whenever they may undertake a settlement between a State and the U. S. the Act of Congress under which they were appointed, together with the instructions given by the Superintendant of finance, if properly attended to, may be sufficient for their direction; if not, and any unforeseen embarrassments arise, the same may be stated to and removed by Congress, your Committee therefore confining their views to the

settlement of accounts of individuals, propose the following resolution as instructions to the commissioners:

Resolved, That the Commissioners appointed by the Act of Congress of the 20th of February, 1782, be instructed to attend in each County or lesser district of the State for which they are respectively appointed, except in remote counties where such attendance may be unnecessary, and continue therein as long as may be requisite for settling the accounts of individuals within such county or district, giving public and timely notice of such attendance and the purposes thereof.

That under the description of *supplies furnished the Army, the transportation thereof and contingent expences thereon* contained in the above mentioned act of Congress, shall be comprehended the rent of and damage done to buildings occupied as barracks, stables or stores for public use; Fences Timber or wood used or destroyed by Continental troops or Militia; Team, Cart, Waggon or horse hire belonging to persons occasionally employed or of private property; Rations or parts of rations retained, due to carters owning Teams employed as above: But the settlement of accounts of Quarter Masters and Commissaries or their respective Deputies or Assistants or other Staff Officers, be no part of the business of these Commissioners; other provision having been made for settling such accounts.

That the settlement of all accounts shall be in the State in which the services were performed or supplies furnished, except where persons have been employed or compelled to go with their teams, horses or otherwise out of the State in which they resided, on particular services, in which cases, their accounts are to be settled in the State where they were employed or taken from.

That all accounts which have been examined and adjusted agreeable to the directions contained in the Act of Congress of the 26th of August, 1780, are not to be reexamined and adjusted, but taken as they stand to the time of settlement, and new specie certificates given for the same: But in all accounts for supplies furnished or transportation thereof, for which certificates or vouchers were given specifying the sum due in bills of the old emissions, and which have not been examined and adjusted in manner above mentioned shall be settled conformable to the rule prescribed in the Act of the 26th of August, 1780, in all cases where the same shall be found practicable: But all claims founded on certificates or vouchers where the sum is expressed and the quantity, quality or exact valuation

of the articles for which the same were given, cannot at this distance of time be clearly ascertained, shall be taken, and passed as stated in the certificate or voucher reducing the sum to specie value, agreeable to the scale of depreciation fixed in the State where such settlement shall be made, provided any such scale shall have been fixed by the Legislature therein, otherwise by the scale framed by the Board of Treasury on the 29th day of July, 1780, to the time the same is extended, continuing such scale for supplies furnished after that period to the time of giving specie certificates, as near as possible agreeable to the actual state of depreciation at the time in the State.

That in all cases of claims for supplies furnished or taken for the Army, where no voucher for the same can be produced: the Commissioner upon examining the claim and such witnesses as he shall judge proper to admit in support thereof (of which he shall be judge) may either allow or disallow the same or any part thereof according to the principles of equity and good conscience: remembering in all cases of accounts or vouchers passed and liquidated, to charge the officer or other person who received or directed the taking such supplies with the amount thereof.¹

SATURDAY, DECEMBER 13, 1783

ANNAPOLIS.

A number of members met [November 26] according to adjournment, but there not being a sufficient number of states assembled to proceed to business, Congress was adjourned from day to day, till the present, when ~~seven~~

¹ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, V, folio 405. The indorsement states that it was presented November 4, 1783, and on January 12, 1784, referred to Mr. [Richard Dobbs] Spaight, Mr. [Elbridge] Gerry and Mr. [Arthur] Lee. According to the record in Committee Book No. 186, the committee was renewed February 13, and Mr. [John] Beatty and Mr. [Roger] Sherman added, and they delivered a report April 13.

On this day, according to the indorsement, was read a petition of Andrew Pepin, dated November 2, 1783, Lieutenant in Colonel James Livingston's regiment, praying for relief. It is in No. 42, VI, folio 280.

Also, a letter of November 3 from Major General Greene, which was referred to Mr. [Hugh] Williamson, Mr. [Thomas] Jefferson and Mr. [Jacob] Read. It is in No. 155, II, folio 672. Committee Book No. 186 states that the Committee reported January 13, 1784, and Committee Book No. 191, that the report was acted upon, April 6.

~~states appearing~~ the following states and members appeared from

New Hampshire,

Mr. A[biel] Foster,

Massachusetts,

Mr. E[bridge] Gerry,

Mr. S[amuel] Osgood,

Mr. G[eorge] Partridge,

Rhode Island,

Mr. W[illiam] Ellery,

Mr. D[avid] Howell,

Pensylvania,

Mr. T[homas] Mifflin,

Mr. C[adwalader] Morris,

Delaware,

Mr. J[ames] Tilton,

Mr. E[leazer] McComb,

Maryland,

Mr. J[ames] McHenry,

Mr. E[dward] Lloyd,

Virginia,

Mr. T[homas] Jefferson,

Mr. S[amuel] Hardy,

Mr. A[rthur] Lee,

Mr. J[ames] Monroe,

North Carolina,

Mr. B[enjamin] Hawkins,

Mr. H[ugh] Williamson,

Mr. R[ichard] D[obbs] Spaight,

South Carolina,

Mr. J[acob] Read,

The delegates for Pensylvania and Maryland produced credentials, which were read.

COMMONWEALTH OF MASSACHUSETTS

[SEAL] By His Excellency John Hancock Esq^r Governor of
the Commonwealth of Massachusetts

To all unto whom these Presents shall come Greeting

Whereas the General Court of the Commonwealth aforesaid did on the twenty eighth day of June A^d 1783 agreeable to the Constitu-

tion of said Commonwealth appoint The Honble George Partridge Esq^r a Delegate to represent this Commonwealth in the Congress of the United States of America.

Now therefore Know Ye That I do by these presents, and in pursuance of the said Appointment Commission the said George Partridge Esq^r to represent this Commonwealth in Congress and vest him with all and singular the Powers and Authorities to the said Office or place of Delegate belonging by Virtue of the Constitution of this Commonwealth and the Appointment aforesaid. And to hold said Office until third day of November 1784. And the said George Partridge Esq^r is hereby required to observe the Instructions which from time to time shall be given to him by the General Court of this Commonwealth

In Testimony whereof I have caused the Public Seal of this Commonwealth to be hereto affixed

Witness John Hancock Esq^r Governor as aforesaid.

Dated at Boston the thirtieth day of September A^o Dⁱ 1783 And in the Eighth Year of the Independence of the United States of America

JOHN HANCOCK ¹

By His Excellency's Command

JOHN AVERY Sec^y

STATE OF PENNSYLVANIA

IN GENERAL ASSEMBLY

Wednesday November 12—1783—A. M.

On motion,

The House proceeded to take up the order of the day, for the choosing Delegates to represent this state in Congress, when, the ballots being taken, it appeared that the Honorable Thomas Mifflin, Richard Peters, John Montgomery, Cadwalader Morris and Edward Hand, Esquires, were duly elected.

Extract from the Minutes.

PETER Z. LLOYD

*Clerk of the General Assembly.*²

¹ The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal. According to the indorsement and the record in No. 179, it was read December 13.

² The original is in the *Papers of the Continental Congress*, Pennsylvania, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal. The letter of transmittal, signed by George Gray, Speaker, is in No. 78, X, folio 463.

MARYLAND

The Senate proceeded to the Election of Delegates to represent this State in Congress the Ballot Box was prepared the Ballots deposited therein sealed up and delivered to the Committee of the Senate appointed to meet the Committee of the House of Delegates who retired to the Conference Room and after some Time returned and reported that James McHenry Thomas Stone Samuel Chase and Edward Lloyd Esquires have a Majority of Votes Whereupon it is declared in the Senate that James McHenry Thomas Stone Samuel Chase and Edward Lloyd Esquires are duly elected Delegates to represent this State in Congress.

True Extract from the Journal

J. DORSEY, *Clk of the Senate.*

November 26, 1783.

By the House of Delegates November 26, 1783.

The house proceeded to the choice of four Delegates to Congress by ballot and the Ballots being deposited in the Ballot Box the Gentlemen named to Strike retired and after some time returned and reported that upon examining the Ballots it appeared that James McHenry, Thomas Stone, Samuel Chase and Edward Lloyd Esquires had a Majority of Votes.

Whereupon, Resolved, That James McHenry, Thomas Stone, Samuel Chase and Edward Lloyd Esquires be and are hereby declared to be Delegates to represent this State in Congress.

True Extract from the Minutes

W^m HARWOOD, *Cl. Ho. Del.*¹

The President then laid before Congress, a joint letter from the ministers of the United States at Paris, dated at Passy, 10 September, 1783, accompanied with the definitive treaty between Great Britain and the United States of America, signed at Paris, 3 September, 1783, which were read.²

¹ The originals are in the *Papers of the Continental Congress*, Maryland, *Credentials of Delegates*. They were entered in No. 179, *Record of Credentials*, and not in the Journal.

² This paragraph was also entered in the manuscript Secret Journal, Foreign Affairs. According to the record in the *Papers of the Continental Congress*, Committee Books No. 186 and No. 191, the definitive treaty and the joint letter of Adams, Franklin, and Jay were, on December 13, committed to Mr. [Thomas] Jefferson, Mr. [Elbridge] Gerry, Mr. [William] Ellery, Mr. [Jacob] Read, and Mr. [Benjamin] Hawkins, who reported December 16. The joint letter, of September 10, is printed in the *Diplo-*

MONDAY, DECEMBER 15, 1783

Mr. J[eremiah] T[ownley] Chase, a delegate for Maryland, attended, and produced credentials; whereby it appears, that on the 9th of this present month, Mr. John Hall and Mr. Jeremiah Townley Chase, were duly elected additional members, to represent the said State in Congress.

MARYLAND.

The Senate proceeded to the Election of two additional Delegates to represent this State in Congress the Ballot Box was prepared the Ballots deposited therein sealed up and delivered to the Committee of the Senate appointed to meet the Committee of the House of Delegates who retired to the Conference Room and after some Time returned and reported that John Hall and Jeremiah Townley Chase Esquires have a Majority of Votes. Whereupon it is declared in the Senate that John Hall and Jeremiah Townley Chase Esquires are duly elected Delegates to represent this State in Congress.

True Extract from the Journal.

J. DORSEY *Clk of the Senate.*

December 9th 1783.

matic Correspondence of the American Revolution (Wharton) VI, 687. A letter dated November 21, from Elias Boudinot to Thomas Mifflin, forwarding letters from Franklin and a copy of the definitive treaty, is in No. 78, IV, folio 421.

According to the record in Committee Books No. 186 and No. 191, letters from Adams, Franklin, Dana, Dumas, and T. Barclay were on this day referred to Mr. [Thomas] Jefferson, Mr. [Elbridge] Gerry, and Mr. [Hugh] Williamson, who reported December 22.

A letter of November 18 from General Washington, enclosing a copy of a letter of November 12, from Sir Guy Carleton, fixing date of evacuation of New York, and Washington's reply thereto, was read on this day. It is in No. 152, XI, folio 515, and is printed in *Writings of Washington* (Ford) X, 334.

On this or an approximate date, was read a letter of November 10 from the Superintendent of Finance, enclosing an account of notes issued on the credit of the United States. It is in No. 137, III, folio 291.

Also, a letter from the Superintendent of Finance of December 2, enclosing letters from Europe. It is in No. 137, III, folio 299.

Also, a letter of November 11 from John Pierce, Paymaster General. It is in No. 165, folio 686.

Also, a letter, of November 26, from Thomas Kilbuck. It is in No. 78, XIII; folio 587.

By the House of Delegates Decem^r 9th 1783

The House proceeded to the choice of two Delegates to Congress by Ballot and the Ballots being deposited in the Ballot Box the gentlemen named to Strike retired and after some time returned and reported that John Hall and Jeremiah Townley Chase Esquires were elected.

Whereupon Resolved, That John Hall and Jeremiah Townley Chase Esquires be and are hereby declared Delegates to represent this State in Congress.

True Extract from the Minutes.

W^m HARWOOD *Cl. Ho. Del.*¹

Six states only attending, namely, Massachusetts, Rhode Island, Pennsylvania, Delaware, Virginia and North Carolina; and from the State of Maryland, Mr. [Jeremiah Townley] Chase, and from New Hampshire, Mr. [Abiel] Foster, the President adjourned Congress to 10 o'clock to-morrow.

TUESDAY, DECEMBER 16, 1783

Congress assembled: Present seven states, viz. Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster.

The letters from the ministers of the United States at foreign courts, were read, and referred to a committee.

WEDNESDAY, DECEMBER 17, 1783

Only six states attending, namely, Massachusetts, Rhode Island, Pennsylvania, Delaware, Virginia and North Carolina; and from the State of Maryland, Mr. [Jeremiah Townley] Chase, the President adjourned Congress to ten o'clock to-morrow.

¹ The originals are in the *Papers of the Continental Congress*, Maryland, *Credentials of Delegates*. They were entered in No. 179, *Record of Credentials*, and not in the Journal.

THURSDAY, DECEMBER 18, 1783

Congress assembled: Present seven states, viz. Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster.

COMMONWEALTH OF MASSACHUSETTS

Council Chamber Boston Dec: 4th 1783

This may certify That The Honble Elbridge Gerry Esq^r was elected on th 27th June 1783 by joint ballot of both Houses of Assembly of this Commonwealth a Delegate to represent this Commonwealth in Congress for one Year commencing the first Monday in November 1783

JOHN AVERY Sec^y ¹

Sundry letters and memorials were read, among which a letter of 23 November, from the minister plenipotentiary of the United Netherlands, and a note respecting the capture and condemnation of the sloop *Chester*, and a letter of 28 October, from Governor Hancock, in behalf of the government of the Commonwealth of Massachusetts, which were committed.²

The Committee of the week [Mr. Jeremiah Townley Chase, Mr. George Partridge, Mr. Samuel Hardy] report, That the memorial signed by a number of the citizens of New York praying for an authenticated copy of the Definitive Treaty to be used in their courts of law be read in Congress.

¹ The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal. According to the indorsement and the entry in No. 179, it was read December 18.

² This paragraph was also entered in the manuscript Secret Journal, Foreign Affairs. The Massachusetts letter is in the *Papers of the Continental Congress*, No. 65, 11, folio 225. According to Committee Books No. 186 and No. 191, it was referred to Mr. [Hugh] Williamson, Mr. [James] McHenry, Mr. [Thomas] Jefferson, ~~Mr. Gerry~~, Mr. [Cadwalader] Morris and Mr. [Arthur] Lee, and the Committee was renewed January 26, 1784, when Mr. [Edward] Lloyd and Mr. [John] Montgomery were appointed, in place of McHenry and Morris. This committee was discharged April 8, and the business referred to the Grand Committee of March 27, who delivered a report May 17.

That the memorial of Philip Moore praying for the passport of Congress to protect his vessel in a voyage to China and suggesting the propriety of appointing a Consul be referred to a Committee.

That the memorial of Joseph Ward praying that the same provision may be made for him which the officers who served in the line are entitled to be referred to a Committee.

That the letter signed Thomas Pownall be read in Congress.

That the memorial of Debernardi suggesting the propriety of introducing the artificers of Italy into America, lie on the table.

That the letter from P. Penet proposing that Gaspar Voght be appointed American Consul in Hamburg, lie on the table until Congress determine to appoint a Consul to reside in Hamburg.

That the letters of the Marquis la Fayette be read in Congress.

That the memorial of Michael Gabriel Houdin respecting Pay and Rank be referred to the same Committee that the memorial of Joseph Ward may be referred to.

That the mem^l. of Nathaniel Thacher praying a Brevet Commission of Cap^t be referred to the same Committee which may be appointed to consider the memorial of Joseph Ward.

That the petition of Seraphine Lamberton who served as Chaplain in Count Rochambeau's Army, praying the permission of Congress to exercise his functions at Detroit ~~be read in Congress~~ lie on the table.

That the memorial of Thomas Leiper respecting the duty imposed on snuff lie on the table until the subject of commerce is taken up and considered.

That the letters from the Post Master General, informing that the mail, the money and letters of consequence were recovered, lie on the table.

That the mem^l. of sundry inhabitants of Charles Town in Maryland respecting the permanent seat of Congress lie on the table.

That the mem^l. of St. Jean de Croveeceny [Crévecoeur] be read in Congress.¹

¹ This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 32, folio 527. By the indorsement it was of this date.

The memorial from the citizens of New York, dated December 10 and signed by John Lauranco, Alexander Hamilton, Morgan Lewis and Richard Varick, is in No. 78, XIV, folio 551.

Moore's memorial is in No. 41, VI, folio 315. It was referred to Mr. [Samuel] Osgood, Mr. [Arthur] Lee and Mr. [Cadwalader] Morris. According to the record in Committee

FRIDAY, DECEMBER 19, 1783

Congress assembled: Present as before; and from the State of South Carolina, Mr. [Jacob] Read.

The Committee of the week [Jeremiah Townley Chase, George Partridge and Samuel Hardy] report, That the memorial of Robert Patton praying a continuance of his additional allowance be referred to a Committee.

That the memorial of John Chever, praying that he be allowed full pay from the first of November 1782, until November, 1783, as officer Books No. 186 and No. 191, a report was delivered December 27, and acted upon January 2, 1784.

Joseph Ward's memorial, dated December 2, is in No. 41, X, folio 601. It was referred, the indorsement states, to Mr. [Hugh] Williamson, Mr. [James] Tilton, and Mr. [James] Monroe.

Thomas Pownall's letter, dated May 9, is in *United States Revolution* papers, Library of Congress.

The memorial of John Debernardi, dated Milan, July 5, 1783, is in the *Papers of the Continental Congress*, No. 41, I, folio 387, a translation being on folio 389. The indorsement indicates that it was ordered to lie on the table.

The letter from P. Penet, dated November 7, is in No. 46, folio 367, and a translation, in Charles Thomson's hand, on folio 371. The indorsement states that it was ordered "to lie on the table until Congress shall think proper to appoint a Consul at Hamburg."

Michael Gabriel Houdin's memorial, dated November 19, was referred to Mr. [Hugh] Williamson, Mr. [James] Tilton and Mr. [James] Monroe. It is in No. 41, VI, folio 319. See *post* January 8, 1784.

Nathaniel Thacher's memorial, dated West Point, November 23, is in No. 41, X, folio 191. It was referred, the indorsement states, to Mr. [Hugh] Williamson, Mr. [James] Tilton and Mr. [James] Monroe. See *post* January 8, 1784.

The memorial of Thomas Leiper, dated November 18, is in No. 41, V, folio 311.

The memorial of L'Abbé Seraphin Lamberton, formerly chaplain of the frigate *Amazone*, dated Philadelphia, October 28, is in No. 42, IV, folio 300. A translation is on folio 308, and the letter of transmittal on folio 304.

The letter of Ebenezer Hazard, Postmaster General, dated November 22, an affidavit of Joseph Parker, of November 15, and a letter from John Harrison, postmaster at Princeton, dated November 7, all relating to the robbery of the mail at Princeton, are in No. 61, folios 155-161. According to the indorsement, they were referred on this day to Mr. [David] Howell, Mr. [Elbridge] Gerry and Mr. [Eleazer] McComb; and the record in Committee Books No. 186 and No. 191 shows that a report was delivered January 2, 1784, and acted upon January 6.

The memorial from the citizens of Charles Town, dated November 10, is in No. 78, VI, folio 219.

Also, on this day, was read a letter of December 3 from General Washington, enclosing a copy of a letter of December 1, from Sir Guy Carleton. It is in No. 152, XI, folio 523.

of a company ordered to Frederick Town to guard the British prisoners be committed.¹

SATURDAY, DECEMBER 20, 1783

Congress assembled: Present as before.

A letter, of this day, from the Commander in Chief, was read, informing Congress of his arrival in this city, with the intention of asking leave to resign the commission he has the honor of holding in their service, and desiring to know their pleasure in what manner it will be most proper to offer his resignation; whether in writing or at an audience; Whereupon,

Resolved, That his Excellency the Commander in Chief be admitted to a public audience, on Tuesday next, at twelve o'clock.²

Resolved, That a public entertainment be given to the Commander in Chief on Monday next ~~and that a committee of three be appointed to direct and superintend the entertainment, and to invite the guests.~~

Postpone, in order to take into consideration the following:

Is it the sense of Congress that seven states in Congress Assembled are competent to receive the resignation of a Commander in Chief?

Ellery:

M: Forster, ay

Gerry, ay

Osgood, ay

¹ This report, in the writing of Jeremiah Townley Chase, is in the *Papers of the Continental Congress*, No. 32, folio 533. By the indorsement it is of this date.

According to Committee Books Nos. 186 and 191, Patton's memorial was referred to Mr. [Samuel] Hardy, Mr. [George] Partridge and Mr. [Jeremiah Townley] Chase. They delivered a report the same day, which was acted on April 16, 1784. The memorial, dated December 16, 1783, is in No. 41, VIII, folio 120.

Chever's memorial, dated Aunapolis, December 17, was referred to Mr. [Hugh] Williamson, Mr. [James] Tilton and Mr. [James] Monroe. It is in No. 41, II, folio 132. The record in Committee Books No. 186 and No. 191 shows that a report was delivered January 21, 1784, considered January 26, and filed.

² This letter is in the *Papers of the Continental Congress*, No. 152, XI, folio 529. It is printed in the *Writings of Washington* (Ford) X, 337.

Mr. Partridge, no

Ellery, no changed into ay at the request of the Member

Howell, ay

Mifflin, ay

Morris, ay

Tilton, ay

McComb, ay

McHenry, ay

Chase, ay

Jefferson, ay

Monroe, ay

Hardy, ay

Hawkins, ay

Williamson, ay

Spaight, ay

Read, ay ¹

On motion of Mr. [James] Monroe, seconded by Mr. [James] McHenry,

Ordered, That an authenticated copy of the act passed by the United States in Congress assembled, the 13 of September last, relative to the act of the legislature of Virginia, of 2 January, 1781, be transmitted by express, to the executive of Virginia.

MONDAY, DECEMBER 22, 1783

Congress assembled: Present, Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster, and from the State of South Carolina, Mr. [Jacob] Read.²

On the report of a committee consisting of Mr. [Thomas] Jefferson, Mr. [Elbridge] Gerry and Mr. [James] McHenry,

¹ This motion, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 36, 11, folio 279. It is indorsed "Sense of the House taken on the competency of seven states to receive the resignation of Commander in Chief, with yeas and nays, December 20, 1783."

² From this point the proceedings for December 22 were also entered in the manuscript Secret (Domestic) Journal.

appointed to make the necessary arrangements for the public audience of General Washington,

Resolved, That the order for the public audience of General Washington be as follows:

1. The President and members are to be seated and covered, and the secretary to be standing by the side of the President.

2. The arrival of the General is to be announced by the messenger to the secretary, who is thereupon to introduce the General attended by his aids to the Hall of Congress.

3. The General being conducted to a chair by the secretary is to be seated with an aid on each side, standing, and the secretary is to resume his place.

4. After a proper time for the arrangement of spectators, silence is to be ordered by the secretary, if necessary, and the President is to address the General in the following words:

“Sir, The United States in Congress assembled are prepared to receive your communications.”

Whereupon the General is to arise and address Congress, ~~and being seated again~~ after which he is to deliver [his Commission and a] copy of his address ~~to his aid to be presented to the Secretary~~ [to the President]

5. The ~~aid~~ [General] having resumed his place, ~~by the side of the General~~ the President is to deliver the answer of Congress, which the General is to receive standing.

6. The President having finished, the secretary is to deliver the General a copy of the address answer, ~~and receive the commission from the General, who~~ [and the General] is then to take his leave.

When the General rises to make his address, and also when he retires, he is to bow to Congress, which they are to return by uncovering without bowing.¹

¹ This report, in the writing of Elbridge Gerry, the words in brackets being in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 19, VI, folio 457.

The Committee consisting of M^r [Thomas] Jefferson, M^r [Elbridge] Gerry, and M^r [Hugh] Williamson to whom were referred the letters of the Ministers for the U. S. in Europe have agreed to the following Report:

They find that instructions bearing date the 29 of October, 1783, were sent to the Ministers Plenipotentiary of the U. S. of America at the Court of Versailles empowered to negotiate a peace, or to any one or more of them for concerting draughts or propositions for treaties of amity and commerce with the commercial powers of Europe; but that their powers will not extend to the actual signature of any such treaty, nor to negotiate with any State or power out of Europe.

They do not find that any commission consonant with these instructions has been issued to the said Ministers.

They are of opinion it will be advantageous to these United States to conclude such treaties with Russia ~~Germany~~, the Court of Vienna, Prussia, Denmark, The Elector of Saxony,
 Postponed from [Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, [Rome, Naples, Venice, Sardinia and the Ottoman Porte, ~~for its possessions in Europe, Asia and Africa.~~]

That in the formation of these Treaties the following points be carefully stipulated:

1. That each party shall have a right to carry their own produce, manufactures and merchandize in their own bottoms to the ports of the other and thence to take the produce and merchandize of the other paying in both cases such duties only as are paid by the most favored nation, freely where it is freely granted to such nation, or paying the compensation where such nation does the same.

2. That with the nations holding territorial possessions in America a direct and similar intercourse be admitted between the U. S. and such possessions, or if this cannot be obtained then a direct and similar intercourse between the U. S. and certain free ports within such possessions; that if this neither can be obtained, permission be stipulated to bring from such possessions in their own bottoms the produce and merchandize thereof to these States directly and for these States to carry in their own bottoms their produce and merchandize to such possessions directly, ~~or lastly a permission to the inhabitants of such possessions to carry their produce and merchandise in their own bottoms to the free ports of other nations, [and~~

~~thence to take back directly the produce and merchandise of these States.}]¹~~

3. That these U. S., ~~being by their constitutions consolidated into one federal republic, they~~ be considered in all such Treaties and in every case arising under them as one Nation [upon the principles of the fœderal Constitution.]²

4. That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties the merchants of either Country then residing in the other shall be allowed to remain 9 months to collect their debts and settle their affairs and may depart freely carrying off all their effects without molestation or hindrance, and all fishermen, all cultivators of the earth and all artizans or manufacturers, unarmed and inhabiting unfortified towns, villages or places, who labour for the common subsistence and benefit of mankind, and peaceably following their respective employments shall be allowed to continue the same, and shall not be molested by the armed force of the enemy in whose power by the events of war they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force the same shall be paid for at a reasonable price, and all merchants and traders exchanging the products of different places and thereby rendering the necessaries, conveniences and comforts of human life more easy to obtain and more general, shall be allowed to pass free and unmolested and neither of the contracting powers shall grant or issue any Commission to any private armed vessel, empowering them to take or destroy such trading ships or interrupt such Commerce.

5. And in case either of the Contracting parties shall happen to be engaged in war with any other nation, it be farther agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize heretofore called contraband, such as arms, ammunition and military stores of all kinds, that no such articles carrying by the ships or subjects of one of the parties to the enemies of the other shall on any account be deemed contraband, so as to induce confiscation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such ships, and detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding on their voyage, [paying however a reasonable

¹ The words in brackets are in the handwriting of Thomas Jefferson.

² The words in brackets are in the writing of Hugh Williamson.

compensation for the loss such arrest shall occasion to the proprietors; and it shall farther be allowed to use in the service of the captors the whole or any part of the military stores so detained paying the owners the full value of the same, to be ascertained by the current price at the place of its destination; but if the other contracting party will not consent to discontinue the confiscation of contraband goods, then that it be stipulated that if the master of the vessel stopped will deliver out the goods charged to be contraband, he shall be admitted to do it and the vessel shall not in that case be carried into any port; but shall be allowed to proceed on her voyage.

6. That in the same case where either of the contracting parties shall happen to be engaged in war with any other power, all goods not contraband belonging to the subjects of that other power and shipped in the bottoms of the party hereto who is not engaged in the war shall be entirely free, and that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament when the assailing power shall have taken such a station as to expose to eminent danger any ship or ships, that would attempt to sail in or out of the said ports, and that no vessel of the party who is not engaged in the said war shall be stopped without a material and well grounded cause, and in such cases justice shall be done, and an indemnification given without loss of time to the persons aggrieved and thus stopped without sufficient cause.]¹

7. That no rights be stipulated for aliens to hold real property within these States, this being utterly inadmissible by their several laws and policy; [but where on the death of any person holding real estate, within the territories of one of the contracting parties, such real estate would by their laws descend on a subject or citizen of the other, were he not disqualified by alienage, there he shall be allowed a reasonable time ~~to qualify himself for holding it by changing his country and allegiance~~ to dispose of the same, and withdraw the proceeds without molestation.]²

8. That such Treaties be ~~limited to the~~ made for a term not exceeding 10 years from the exchange of ratifications.

[9. That these instructions be considered as supplementary to those of Oct. 1783 and not as revoking except where they contradict them. ~~That our ministers be informed that such articles as may be~~

¹ The portion in brackets is in the writing of Thomas Jefferson.

² The portion in brackets is in the writing of Thomas Jefferson.

~~disagreeable to the other party, and are indifferent to us in point of interest we mean not that they should insist on indispensably.~~ That where in treaty with a particular nation, they can procure particular advantages, to the specification of which we have been unable to descend, our object in these instructions having been to form outlines only and general principles of treaty with many nations, it is our expectation they will procure them, tho not pointed out in these instructions (and where they may be able to form treaties on ~~general~~ principles which in their judgement will be more beneficial to the United States than those herein directed to be made their basis, they are ~~notwithstanding anything herein permitted to adopt such and agree to such principles.~~) That as to the duration of the treaties, tho' we have proposed to restrain them to the term of 10 years, yet they are at liberty to extend the same as far as 15 years with any nation which may pertinaciously insist thereon; and that it will be agreeable to us to have supplementary treaties with France, the United Netherlands and Sweden, which may bring the treaties we have entered into with them as nearly as may be to the principles of those now directed; but that this be not pressed if the proposal should be found disagreeable.]¹

That treaties of amity or of amity and commerce be entered into with Morocco, and the ~~other states on the coast of Barbary~~ Regencies of Algiers, Tunis and Tripoli [to continue for the same term of 10 years, or for a term as much longer as can be procured.]²

That our Ministers to be commissioned for treating with foreign nations, make known to the Emperor of Morocco the great satisfaction which Congress feel from the amicable disposition he has shewn towards these States and his readiness to enter into alliance with them; that the occupations of the war and distance of our situation have prevented our meeting his friendship so early as we wished; but that powers are now delegated to them for entering into treaty with him, in the execution of which they are ready to proceed, and that as to the expences of his Minister they do therein what is for the honor and interest of the United States, ~~and conformable to the practice of other nations.~~

That a Commission be issued to Mr Adams, Mr Franklin, and ~~Mr. Jay~~ Mr Jefferson giving powers to them, or the greater part of them to make and receive propositions for such treaties of amity

¹ The paragraph in brackets is in the writing of Thomas Jefferson, except the words in parentheses, which are in the writing of John Francis Mercer.

² The words in brackets are in the writing of Thomas Jefferson.

and commerce, and to negotiate and sign the same, transmitting them to Congress for their final ratification, and that such Commission be in force for a term not exceeding two years.

~~That the said ministers be instructed to notify to the powers with whom they may negotiate the great value at which these states will esteem their friendship and connection and that it will be their constant endeavour to promote a good understanding and harmony with them and to prevent everything which might interrupt it by every means in their power, but that the heavy debt which they have contracted during the late war and the state of desolation and depopulation in which every part of these states were left by it have rendered it inconvenient at present for them to keep ministers resident at the courts of Europe, and they hope that this deviation from the practice of friendly nations may be ascribed to its true cause and not to any want of respect to their friends or of attachment to treaties, to the faithful observance of which they shall at all times pay the most earnest attention.~~

That consuls be appointed for the ports of _____ and consuls general be established at _____

~~[That the said Ministers be instructed in their negotiations with the foreign Court to urge with perseverance the necessity of a reasonable forbearance in the levy of debts due within these states to British subjects, the establishment of the idea of these states that all demands for interest accruing during the war would be highly inequitable and unjust; and the expediency of settling this by precise stipulation in order to avoid those mutual complaints and altercations which may disturb the harmony of the two nations.~~

(That the said Ministers to be Commissioned for treating with foreign nations be referred to the instructions of the thirtieth day of May 1783, relative to British debts, the objects of which they are hereby directed to urge with perseverance.)

That they require with firmness and decision full satisfaction for all slaves and other property belonging to citizens of these States taken and carried away in violation of the preliminary and definitive articles of peace; and to enable them to do this on precise grounds Congress will furnish them with necessary facts and documents.]¹

That Doctor Franklin be desired to notify to the Apostolical Nuncio at Versailles, that Congress will always be pleased to testify their respect to his Sovereign and State, but that the subject of his

¹ The words in brackets are in the writing of Thomas Jefferson, except the paragraph in parentheses, which is in the writing of Jacob Read.

application to Doctor Franklin being purely spiritual it is without the jurisdiction and powers of Congress, who have no authority to permit or refuse it, these powers being reserved to the several States individually.

That Doctor Franklin be instructed to express to the Court of France, the constant desire of Congress to meet their wishes. That these States are about to form a general system of commerce by treaties with other nations ~~and by internal regulations~~; that at this time we cannot foresee what claims might be given to those nations by the explanatory propositions from the Count de Vergennes on the 2 and 3 articles of our treaty of amity and commerce with his M. C. M. but that he may be assured it will be our constant care to place no people on more advantageous ground than the subjects of his Majesty.

That the papers containing the claims of the five Forsters, brothers, for the prize of their vessel the *Three Friends*, made by Captain Landaïs of the *Alliance* Frigate, which papers were communicated by the Count de Vergennes to Dr Franklin to the end he might apply to Congress for an indemnification of the said Forsters, be remitted to the said Ministers with a copy of the fourth clause of the instructions to them of Oct. 29, 1783; and the following extract from Dr Franklins letters of July 22, 1783, to the Secretary for foreign affairs, viz. "Mr Barclay has in his hands the affair of the *Alliance* and *Bon homme Richard*. I will afford him all the assistance in my power; but it is a very perplexed business. That expedition, though for particular reasons under American commissions and colours, was carried on at the King's expence and under his orders. Mr de Chaumont was the agent appointed by the Minister of the Marine to make the outfit. He was also chosen by all the Captains of the Squadron, as appears by an instrument under their hands, to be their agent, receive, sell and divide prizes &c. The Crown bought two of them at public sale, and the money I understand is lodged in the hands of a responsible person at L'Orient. Mr de Chaumont says he has given in his accounts to the Marine, and that he has no more to do with the affair except to receive a balance due to him. That account however is I believe unsettled, and the absence of some of the Captains is said to make another difficulty, which retards the completion of the business. I never paid nor received any thing relating to that expedition nor had any other concern in it than barely ordering the *Alliance* to join the squadron at M. de Sartine's request." From which extract

there is reason to believe the United States of America had no concern in the expedition; but that it was carried on wholly under the authority and for the advantage of his Most Christian Majesty; that if this fact should not be so apparent as to give full satisfaction to his Majesty's Ministers, they then take such measures as in their discretion shall be thought most conducive to an amicable and equitable adjustment thereof on the best evidence they shall be able to procure.

That the claim of the S^r Bayard against these United States for the sum of 255,236 dollars continental money is not founded in justice ~~in the opinion of your committee~~ from the circumstances of the case as stated by himself, which are that a vessel and cargo in which he was interested, sailing in May, 1779, from Charlestown for France was taken by an English armed vessel and retaken by an American frigate called the *Boston*; that she was carried to Boston and there sold as French property by M^r De Valnais, Consul for France at that port; that he unfaithfully and irregularly as is suggested endeavoured to have the whole adjudged to the recaptors; but that the sentence was, that they were only entitled to one eighth, and the S^r Bayard's correspondents obliged M^r de Valnais to deposit with the consul of France in Philadelphia 255,236 dollars continental money in part of the proceeds with a reserve to the Sieur Bayard against M^r de Valnais of every right of redress for his irregular conduct; that no injurious intermeddling by the U. S. or any of them or by any of their citizens is here complained of; that the money was constantly in the hands of the Sieur Bayard's correspondents, or of the consul for his nation; that he may indeed have suffered by its depreciation as many others have suffered, both foreigners and citizens, but the latter in ~~an infinite proportion to~~ a much higher degree than the former; that this depreciation was not effected by any arbitrary change by Congress in the value or denomination of the money (which yet has been frequently practised by European States, who never have thought themselves bound to make good the losses thereby incurred, either by their own citizens or by foreigners), but ensued against the will and the unremitting endeavors of Congress; that in this case too it might have been lessened if not prevented by investing the money immediately in gold and silver or in other commodities. Your Committee, therefore, are of opinion that these States are not bound to make good the loss by depreciation, ~~and that the doing it would bring on an infinitude of other cases, with endless investigations and unfairness, and would require greater funds than we are prepared with.~~

That as to the residue of the claims of the *Sieur Bayard*, if founded in truth and right they lie only against the State of Georgia, to the governor whereof it will be proper for Congress to transmit copies of the papers expressing our confidence that that State will cause to be done in it what justice and the respect due between friendly nations require, and that the *Sieur Bayard* be referred to them.

That the friendly services rendered by the *Sieur John Baptist Pequet*, agent for the French Nation at Lisbon, to great numbers of American sailors carried prisoners into that port during the late war, and his sufferings on that account, merit the sincere acknowledgements of Congress; and that it be referred to the said Ministers to deliver him these in honorable terms and to make him such gratification as may indemnify his losses and properly reward his zeal.¹

The Superintendent of Finance to whom was referred an extract from the Journals of the General Assembly of Pennsylvania, Begs leave to report,

That the said extract consists of two parts, the former whereof contains certain matters reported by a Committee of that honorable House in consequence of a Conference held with the Commissioner for settling the accounts of the said State, the which matters are reported by the Committee and appear to have been considered by the house as facts. The latter part contains reasonings upon the former and resolutions in consequence thereof. Pursuing therefore the same line the Superintendant of Finance must take leave to observe:

That the former part of the said extract implies an inattention on his part to the orders of the United States in Congress, and an assumption of powers not delegated. He humbly prays to submit both of these charges to the Wisdom and Equity of Congress, who have long since had before them all the instructions given to the Commissioners for settling accounts, together with a report on the reference mentioned in the Extract, wherefore it is to be presumed that if undue negligence or the arrogating of power had appeared it would not have passed unnoticed.

¹ This report, in the writing of Charles Thomson, except as indicated, is in the *Papers of the Continental Congress*, No. 25, II, folios 347-354. The indorsement states that it was delivered December 20; read December 22; recommitted January 22, 1784; reported again March 4, 1784, and "Monday next assigned for consideration. No copies to be made out. Secret. Reported 14 April, 1784. Order for Thursday 15." According to the record in Committee Book No. 186, the report of March 4 was recommitted April 12, Mr. [Richard Dobbs] Spaight and Mr. [Ephraim] Paine being added to the committee.

It is further to be observed that the doubts stated by the said Commissioner, and the difficulties under which he is supposed to labor must have chiefly originated in circumstances peculiar to himself, because that such doubts and difficulties have not occurred to the Commissioners employed in other States, and because they would easily have been obviated by a careful consideration of the acts and instructions in his possession, excepting only in one point viz. "Whether charges for Building, Fences, wood &c—damaged or destroyed by Continental Troops or militia are to be allowed." This question (which can only be resolved by special act of Congress) is not to be found among twelve questions proposed by the Commissioner to Congress; but among nine proposed to the Superintendent of Finance—It is stated in the said extract "that by the Instructions from the Office of Finance to the said Commissioner he is enjoined a strict attention to the Resolve of Congress of the twenty third of August, 1780, *touching all certificates generally*; that this Resolve introduces an entire new method of granting certificates; that to require those new forms in certificates granted before they were instituted is requiring an impossibility or (in other words) "*is a refusal to liquidate any certificates given before the 23rd. of August 1780.*" Were this the case, doubtless there would be sufficient cause of complaint, and sharp animadversion; but the acts and instructions, all of which are in possession of Congress, will shew the State of Facts to be as follows: The act of Congress of the twentieth of February, 1782, speaking of the Commissioner contains the following words: "That he be also fully empowered and directed to liquidate and settle, in specie value, all certificates given for supplies by public Officers to Individuals, and other claims against the United States by Individuals for supplies furnished the army, the transportation thereof and contingent expences thereon within the said State, according to the principles of equity and good conscience, *in all cases, which are not or shall not be provided for by Congress.*" Under this Act of Congress, the Comptroller of the Treasury issued certain instructions, which were approved of by the Superintendent of Finance, thereby directing each of the several Commissioners "to open an account with the principal of each Department for the time being, and with every person who is properly accountable for articles purchased by, or delivered to him. In which *they must be charged respectively with all such articles, and for which they are to account with the Commissioners appointed or to be appointed to adjust the accounts of these Departments respectively.*" The Superintendent of Finance

in a letter to the Commissioners of the seventh of September, 1782, after referring to the Comptroller's instructions calls their attention to two particulars, the former whereof is not material to the present point and the latter is as follows: "In settling the accounts with Individuals you will consider, *that artful men have frequently taken advantage of the public*, and that (in many instances) public offices have taken advantage of the weak and unprotected. You will therefore always remember, *that it is your duty to do justice.*" The two commissioners who were first appointed, after considering the Acts of Congress, and the several instructions given to them proposed (among others) the following question "Whether certificates given to Individuals are to be taken as they stand, and new ones given for their amount; or whether they are to be reexamined and new prices affixed to the articles, *when they have been over or under charged.*" The Superintendant and Comptroller entered into a consultation together, and the following answer was returned: "Certificates given by Quarter Masters or Commissaries to Individuals must be re-examined, the articles shewn, and their value determined, *that the Receiver of them may be charged and made accountable to the Commissioners appointed for the respective Departments.* See Resolutions of Congress of the 23rd of August 1780 relating to them, which must be strictly attended to." This question and answer is regularly transmitted by the Comptroller to all the Commissioners appointed to adjust the accounts between the individual States and the Union. The Commissioner for the State of Pennsylvania had therefore the matters above recited in his possession, when he proposed to Congress the following questions. "Are certificates or receipts given by Quarter Masters, Commissaries, their Deputies, Assistants, Agents, or other public officers for supplies furnished before the 15th of September, 1780, to be taken as they stand, and new ones given for their amount estimated in Specie? Are Certificates issued agreeable to the mode prescribed by Resolution of Congress 23rd August to be taken up and new ones given?" These questions were (among others) referred to the Superintendant of Finance, who thereupon informed the Commissioner, that the answer thereto was in the act of Congress, the latter from the Superintendant, and the question and answer above quoted. Surely there is nothing in either which *requires the forms prescribed by the Act of the 23rd of August, 1780, in certificates granted before they were instituted.* The Commissioner is indeed referred to that Act, and directed to pay attention to it. But the evident construction of

this order limits it to certificates issued under the Act, and even if that were not the case, yet when the whole of the Instructions (or rather the answers) which are complained of is taken together, there cannot be the shadow of a doubt. For among the Commissioner's questions to the Superintendant is the following—"How are claims for supplies furnished or services performed by an individual who is destitute of a certificate or any kind of voucher, having only a bare charge against the United States for the same, to be settled? Will the oath or affirmation of the Claimant make the charge good?" And he shortly after asked the Congress "How are claims for supplies furnished for public use by an Individual, who is destitute of a proper voucher, to be authenticated?" To both these queries the answer given by the Superintendant (and which forms part of the instructions complained of) is as follows: "They relate to the same point viz. *what evidence shall establish claims.* It appears that the articles passed in favor of the Claimant, must charge some other person, and that public notice is to be given of the times and places of settlement, that both parties may attend. Under these circumstances if the demand is grounded on *Principles of Equity*, and the evidence produced satisfies the *Conscience* of the Commissioner he is bound to pass it, *by the act of Congress.*" Now it must be remembered that the Commissioner is (by the act under which he was appointed) empowered and directed to liquidate &c. *according to the principles of equity and good conscience, in all cases which are not or shall not be provided for by Congress.* The answers therefore given by the Superintendant to his questions, are no more than applications of the act to the doubts which he had suggested. It is more than probable that if the Honorable Assembly of Pennsylvania had communicated with the Superintendant on this subject, they would not have assumed the same ground of reasoning which they appear to have done.

It is alledged in the said extract "That certificates given for personal services, wages, or hire are rejected." In answer to which it can only be said, that if the Claimants are officers or persons acting in any of the Departments the certificates ought to be rejected by the Commissioner for the State, because such accounts are to be liquidated by the Commissioners for the Departments respectively; but if other claims have been rejected by the Commissioner, he must have been under the influence of some misapprehension.

As the Honorable Assembly have (through their Delegates) proposed certain Resolutions, it will be proper to examine the reasoning

which led to that proposition, and first it is alledged that "if an exact account is *really* wanted, of the Specific articles for which any certificates were given, it may be found in the receipts given by the party, at the time of getting his certificates, and (that) these receipts are in the power of the public, being lodged with the heads of the different Departments." Surely such an assertion is somewhat hazarded. Congress have before them full evidence that many persons late officers in the Civil Departments refuse to account at all. If therefore such persons should even possess the supposed receipts, still those receipts are *not in the Power of the Public*, nor will they be so until all the States have passed laws similar to those of the State of Pennsylvania. But further it will (on enquiry) appear that when Individuals received certificates from public officers, the receipts they gave do not always contain a list of the articles or account of the services which had been rendered. Certainly, where any fraud was designed, a specification of articles was of course avoided, and in many cases it has been neglected, even where nothing wrong was intended. The idea, therefore, that the specific articles are contained in the receipts, is as unfounded as that those receipts are in the power of the Public. But supposing the facts were such as they are assumed to be, will it follow that the officers have in no instance been guilty of collusion with individuals, and given more than they were worth both for articles and services? And will it not appear an exact account of the specific articles is *really* wanted and indeed absolutely necessary for the detection of such abuses? Or if it be supposed, that all the inhabitants of Pennsylvania were so honest, and so disinterested, as neither to partake in fraud, nor take advantage of negligence, must it also be presumed that the public officers acting within that State have in no cases whatever, seized the property of Individuals and given certificates for less than the value? Or if it be imagined, that the officers and the individuals have been all alike innocent, and that the clamors raised on these subjects are totally groundless as to Pennsylvania will it follow that such things have not happened in any other State? Or will it be proper to establish different rules for the settlement of public accounts under the idea of honesty in one State and the want of it in another? It is however assumed as a position that "any frauds that have been committed cannot be detected in any other place, so well as by the Commissioners who settle the general accounts, at the Heads of Departments." But surely it is necessary not only to the detection of frauds, but even to the settlement of accounts at all, that the Commissioners acting in the several States

obtain accounts of the articles before they pass the sums. If for instance the public officer should by collusion with the party make a charge of double the sum actually due for any articles can a deduction be made after the sum hath been passed to the Individual by the State Commissioners? If the officer should omit to charge himself with articles purchased, can this be proved when only the money certificate is produced against him? If the officer paid by a certificate, the nominal sum for articles purchased a year before, will this appear in such manner as to prevent him from taking all the benefit of the depreciation? If for instance he purchased to the amount of two hundred thousand dollars, when money was at two for one, paid in certificates when it was at four for one, and carried the articles to account at a reasonable specie value, viz, one hundred thousand dollars, and if the certificates be now liquidated at their value, viz. fifty thousand dollars, would he not be gainer of the like sum of fifty thousand dollars, merely by the depreciation? It is also asserted "that the holders of certificates are subjected to many inconveniences from this Delay, and that after *coming from the remote parts of the State*, and having a liquidation of their certificates refused, they depart with murmurs and discontent." If holders of certificates come from *remote parts of the State*, and the act of Congress of the 20th of February, 1782, intended to afford relief becomes (thereby) a source of distress, it must arise either from ignorance in the people themselves, or from a want of attention in the Commissioner, for by the act it is ordained "That the Commissioners respectively give public and early notice of the *Times and Places* of their settling and the *Districts within which* they settle accounts, that as well the public officers as the private individuals may have an opportunity to attend." From the whole scope and tenor of the act, as well as from the express words of this particular part, it appears clearly to have been the intention of Congress, that the Commissioner should mark out convenient Districts in the State, take some proper position in each District, and there give such *early public notice* of the *place* and the *District* as that claims arising from transactions *within that District* might be brought in and adjusted, and both the public officer and the private individual concerned in the transaction have an opportunity of attending.

As the honorable assembly have marked out a different mode of settlement, than that which hath been adopted, it may be proper to take a general view of the present and of the proposed plan, so as to discover the inconveniences resulting from each, and thence determine which ought to be preferred. Under the present plan the

first step of the Commissioner is to mark out some particular spot with a convenient surrounding District, within which the parties may attend without the waste of time and the expense of long journies. The next is to give *early public* notice. Supposing then the time to have arrived which he had specified in his advertisement and a claimant to appear, the first question to be solved is whether that claimant be one of those, whose demands are to be adjusted by him, or whether it is the business of a Commissioner or one of the Departments. Supposing the former, the next object of inquiry would be whether any and what services or supplies were rendered by the claimant to the United States, and if any were rendered, then what was the real value *at the time and place* of rendering them. Every kind of evidence exhibited in support of each point is then to be examined, the officer who is said to have received the articles, is to be heard if he contest the claim and finally the Commissioner being in the vicinity of the place, with opportunity to learn both the acts done and the characters of the agents must decide *according to equity and good conscience*, where no express provision is made by an act of Congress. If this decision be in favor of the claimant, the business of the Commissioner is to give a certificate for the full value of the articles and services and then to charge the proper officer and Department (not with so much money) but with the specific articles and services, for the due application whereof account is to be rendered to the Commissioner of the Department. A duty of the State Commissioner in the course of this business will be to discover, and detect as much as possible, the frauds which have been committed and to transmit proper evidence as it may arise to the Commissioner of the Department. In cases however where the decision is against the claimant, it will be proper still to return to the Commissioner of the Department a state of the claim, that if it should be found to be credited to the public, in the accounts of such Department, the party may meet with redress at a future period. The inconveniences attending this mode are that possibly some just claims may be finally rejected from the want of sufficient proof, and that some honest claimants may be put to trouble and difficulty in supporting their claims. The proposed plan appears to be shortly this, *that the Commissioner shall liquidate every certificate which may be tendered to him in specie value*. If however the restriction implied in the extract by the words "that no delay be given to any certificate granted by an officer who has settled his public accounts &c." be made, viz. that the liquidation of such certificates be suspended until the accounts of the officer who gave them be settled, it is

humbly conceived that such liquidation can never take place. Because as the public have assured the debts of their officers, it is impossible to settle the accounts of those officers, until the amount of their debts be known. Those debts forming a charge against the officers in the same manner as the monies advanced to them from the public Treasury. The settlement of the officers' accounts must therefore ultimately depend on the settlements made with individuals, and therefore this restriction must be rejected or the whole plan prove abortive. The proposition of the honorable assembly may then be examined and considered as of the effect which is just now stated, and if that proposition be adopted the Commissioner sitting in one corner of a State and examining claims and certificates brought from two or three hundred miles distance, without the slightest attention to the value of articles for which money is claimed, will be exposed to every kind of imposition. Certificates will be counterfeited, pretended depositions will be produced, fabricated accounts will be delivered, vast sums will of course be acknowledged as due to whoever may please to demand them. The officers will (and very justly too) refuse to account for such sums. The frauds which they will detect in claims allowed by the State Commissioners, will cast a cloud even upon the just claims, and the Commissioners for the Departments will for that reason be unable to insist on any. Thus the officers will be empowered in their turn, to render such accounts as they think proper, so that on the whole the public debts will be greatly and unnecessarily accumulated, and a precedent will be established to sanctify every improper act, which may hereafter be committed in times of confusion. These are public inconveniences, and from a comparison of the two plans, one important question arises, shall the public property be given away, and the Country be taxed for the purpose of paying monies not justly due, or shall Individuals who have claims on the United States be obliged to validate such claims by sufficient evidence? Surely the honorable assembly of Pennsylvania will not cannot hesitate in deciding this question.

All which is humbly submitted.

ROBT MORRIS.

OFFICE OF FINANCE, 5th Nov., 1783.¹

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folio 255. According to the indorsement, and to the record in Committee Books No. 186 and No. 191, it was read and entered December 22, 1783, and on January 9, 1784, referred to Mr. [Richard Dobbs] Spaight, Mr. [Elbridge] Gerry and Mr. [Arthur] Lee. On February 13, Mr. [John] Beatty and Mr. [Roger] Sherman were added to this committee, and a report was delivered April 13.

The Superintendant of Finance to whom was referred the Letter of Charles Stewart of the twenty-ninth [27] of October begs leave to report,

That the same Letter was upon the Reference thereof transmitted to the Commissioner for adjusting the Accounts of the Commissary's Department and that his answer was made on the fourth Instant, a copy whereof is now enclosed.

Office of Finance, 6th Nov^r 1783.¹

TUESDAY, DECEMBER 23, 1783

Congress assembled: Present as before.

On motion of Mr. [Hugh] Williamson, seconded by Mr. [Thomas] Jefferson,

Resolved, That letters be immediately despatched to the executives of New Hampshire, Connecticut, New York, New Jersey, South Carolina and Georgia, informing them, that the safety, honor and good faith of the United States require the immediate attendance of their delegates in Congress; that there have not been, during the sitting of Congress at this place, more than seven states represented, namely: Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia and North Carolina, and most of those by only two delegates; and that the ratification of the definitive treaty, and several other matters, of great national concern, are now pending before Congress, which require the utmost

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folio 267. According to the indorsement, it was entered and read this day. See *ante*, October 29, *footnote*, and *post*, April 15, 1784.

On this day, as the indorsement indicates, was read a letter of December 13 from Joseph Reed asking a testimonial of his conduct during the contest to carry with him to Europe. It is in No. 78, XIX, folio 459. As shown by the indorsement and by Committee Books No. 186 and No. 191, it was referred to Mr. [James] McHenry, Mr. [David] Howell and Mr. [Arthur] Lee; and on January 26, 1784, Mr. [James] Tilton was appointed in place of McHenry. The committee reported January 30, 1784.

Also, a letter of December 21 from General Washington, enclosing a list of officers who wish to be placed on the Peace Establishment; a letter, of September 3, from General Arthur St. Clair; a letter, of October 11, from General Nathanael Greene, and correspondence with General Anthony Wayne. It is in No. 152, XI, folio 533.

despatch, and to which the assent of at least nine states is necessary.¹

According to order, his Excellency the Commander in Chief was admitted to a public audience, and being seated, ~~and silence ordered,~~ the President, after a pause, informed him, that the United States in Congress assembled, were prepared to receive his communications; Whereupon, he arose and addressed Congress as follows:

MR. PRESIDENT: The great events on which my resignation depended, having at length taken place, I have now the honor of offering my sincere congratulations to Congress, and of presenting myself before them, to surrender into their hands the trust committed to me, and to claim the indulgence of retiring from the service of my country.

Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States, of becoming a respectable nation, I resign with satisfaction the appointment I accepted with diffidence; a diffidence in [my abilities to accomplish so arduous a task; which however was superseded by a confidence in the rectitude of our cause, the support of the supreme power of the Union, and the patronage of Heaven.

The successful termination of the war has verified the most sanguine expectations; and my gratitude for the interposition of Providence, and the assistance I have received from my countrymen, increases with every review of the momentous contest.

While I repeat my obligations to the army in general, I should do injustice to my own feelings not to acknowledge, in this place, the peculiar services and distinguished merits of the gentlemen who have been attached to my person during the war. It was impossible the choice of confidential officers to compose my family should have been more fortunate. Permit me, sir, to recommend in particular, those who have continued in the service to the present moment, as worthy of the favorable notice and patronage of Congress.

I consider it an indispensable duty to close this last act of my official life by commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them to his holy keeping.

¹ This motion, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 23, folio 155.

Having now finished the work assigned me, I retire from the great theatre of action, and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission, and take my leave of all the employments of public life.¹

He then advanced and delivered to the President his commission, with a copy of his address, and ~~returned to~~ having resumed his place, ~~whereupon~~ the President returned him the following answer:

SIR, The United States in Congress assembled receive with emotions, too affecting for utterance, the solemn ~~deposit~~ resignation of the authorities under which you have led their troops with ~~safety and triumph~~ success through a long a perilous and a doubtful war. ~~When~~ Called upon by your country to defend its invaded rights, you accepted the sacred charge, before ~~they~~ it had formed alliances, and whilst ~~they were~~ it was without funds or a government to support you. You have conducted the great military contest with wisdom and fortitude, ~~through~~ invariably regarding the rights of the civil ~~government~~ power through all disasters and changes. You have, by the love and confidence of your fellow-citizens, enabled them to display their martial genius, and transmit their fame to posterity. You have persevered, till these United States, aided by a magnanimous king and nation, have been enabled, under a just Providence, to close the war in freedom, safety and independence; on which happy event we sincerely join you in congratulations.

Having ~~planted~~ defended the standard of liberty in this new world: having taught ~~an useful lesson~~ a lesson useful to those who inflict and to those who feel oppression, you retire from the great theatre of action, ~~loaded~~ with the blessings of your fellow-citizens, but ~~your fame~~ the glory of your virtues will not terminate with your ~~official life~~ the glory of your many virtues will military command, it will continue to animate remotest ~~posterity~~ ages.]² ~~and this last act will not be among the least conspicuous~~

We feel with you our obligations to the army in general; and will particularly charge ourselves with the interests of those confidential officers, who have attended your person to this ~~interesting~~ affecting moment.

¹ A signed draft of this address is in the *Washington papers*, Library of Congress; and also a copy, written and attested by Charles Thomson.

² The portion in brackets was entered in the Journal by Benjamin Bankson.

We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching him to dispose the hearts and minds of its citizens, to improve the opportunity afforded them, of becoming a happy and respectable nation. And for you we address to him our earnest prayers, that a life so beloved may be fostered with all his care; that your days may be happy as they have been illustrious; and that he will finally give you that reward which this world cannot give.¹

WEDNESDAY, DECEMBER 24, 1783

Congress assembled: Present as before.

Mr. [Edward] Hand, a delegate for Pennsylvania, attended, and took his seat.

On motion of Mr. [Thomas] Jefferson, seconded by Mr. [David] Howell,

Resolved, That the postmaster general be, and he is hereby directed to give orders to his deputy, at the place where Congress is sitting, to furnish an extra post or posts whenever required by the President.

Pursuant to the order of the 10 of September last, the Superintendant of finance and treasurer, laid before Congress an account of all the notes which have been issued by them on the credit of the United States, with an account of what part of those notes were in circulation, according to the state of the former on the 4 November, and of the latter on the 29 September, when their accounts are severally closed.²

FRIDAY, DECEMBER 26, 1783

Congress assembled: Present as before.

Pursuant to the order of the 5 September, 1783, the Superintendant of finance, as agent of marine, having caused the

¹ This report, in the writing of James McHenry, is in the *Papers of the Continental Congress*, No. 19, VI, folio 461.

² On this day, as the indorsement states, was read a letter of November 6, from General Duportail, recommending the promotion of Captain Castaing. It is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 505, and was referred to Mr. [Jacob] Read, Mr. [Edward] Hand and Mr. [James] Monroe. Committee Book No. 186, enters the committee as reporting February 24, 1784, and according to Committee Book No. 191, the report was considered February 26, "question taken and lost."

ship *Alliance* to be surveyed, reported the state she is in, and an estimate of the expence necessary to give her a good repair.¹

MARINE OFFICE 4th Nov. 1783.

SIR,

At a Marine Court Martial, which was begun and held at the town of Boston on the 22nd day of September last for the trial of Patrick Fletcher Esq. late a Lieutenant in the frigate *Alliance*, on a charge brought against him by Captain Barry for disobedience of orders. The Court have sentenced the said Patrick Fletcher to be deprived of his commission as a Lieutenant in the Navy of the United States of America without prejudice to his claim and title to wages and prize money till the twenty sixth day of November, one thousand seven hundred and eighty two. This sentence I have confirmed and it now becomes my duty to mention that the court in consideration that the said Patrick Fletcher had long served with reputation in the Navy, and that many circumstances had appeared to the court in mitigation of the offence prayed leave to recommend him to Congress as a capable officer and worthy of their further notice.²

MARINE OFFICE, 4th Nov^r 1783.

SIR,

At a Marine Court Martial which was begun and held at the town of Boston, on the 23rd day of September last for the trial of John Buckley late master of the frigate *Alliance*, on a charge brought against him by Captain Barry for disobedience of orders. The Court have sentenced the said John Buckley to be deprived of his warrant as master in the Navy of the United States of America, without prejudice to his claim and title to wages and prize money till the twenty seventh day of November one thousand seven hundred and eighty two.

This sentence I have confirmed, and it now becomes my duty to mention, that the court in consideration that the said John Buckley

¹ The Superintendent's letter, dated November 4, is in the *Papers of the Continental Congress*, No. 137, III, folio 247, and a copy of the survey and estimate on folio 251. The indorsement shows that it was read on this day, and on January 9, 1784, referred to Mr. [William] Ellery, Mr. [Cadwalader] Morris and Mr. [Samuel] Osgood. According to the entries in Committee Books No. 186 and No. 191, a report was delivered January 15, and acted upon March 27.

² This report is in the *Papers of the Continental Congress*, No. 137, III, folio 239. According to the indorsement it was read on this day, and on January 9, 1784, filed in the Secretary's Office.

had long served with reputation in the Navy, and that many circumstances had appeared to the court in mitigation of the offence, prayed leave to recommend him to Congress as a capable officer, and worthy of their further notice.¹

SATURDAY, DECEMBER 27, 1783

Congress assembled: Present as before.

The Committee consisting of Mr [Elbridge] Gerry, Mr [Richard] Peters, Mr [Abraham] Clarke, Mr [William] Ellery, and Mr [Jacob] Read, who were to repair to the falls of Delaware to view the situation of the country in the neighborhood, and to report a District for a federal town, submit the following report,

That three of the Committee, in the absence of the other two, who were notified of the meeting repaired to Trenton, on the 6th of November last, and surveyed the ground from Howell's ferry to Lamberton on the New Jersey side, and from the opposite points on the Pennsylvania side of the Delaware. That after a careful attention, they deemed it expedient to report a district in each of the said States that a preference might be given to the State which should secure the soil on the most reasonable terms, and comply with the resolution of Congress respecting the jurisdiction; that the District on the New Jersey side, is at Lamberton, and the District on the Pennsylvania side is near the falls of the Delaware beginning at a hill above the mills owned by Colonels Wilson and Bird and extending a mile up the River.

That the Committee were attended by Captain Hutchins, Geographer to the United States, whose plan of the two Districts and remarks thereon is also submitted to the consideration of Congress.²

¹ This report is in the *Papers of the Continental Congress*, No. 137, III, folio 243. According to the indorsement it was read on this day, and on January 9, 1784, filed in the Secretary's Office.

On this day, as the indorsement states, the petition of John Cowper for an allowance for depreciation, was referred to the Superintendent of Finance to report. It is in No. 42, II, folio 172.

² This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 23, folio 157. The indorsement states that it was delivered this day, entered and read.

On this day, as the indorsement indicates, was read a letter of December 20 from the Superintendent of Finance, transmitting a letter from the Minister of the Netherlands, respecting Mr. Dumas. It was referred to Mr. [Arthur] Lee, Mr. [Elbridge] Gerry and Mr. Jacob Read. It is in No. 137, III, folio 321.

MONDAY, DECEMBER 29, 1783

Six states only attending, namely, Massachusetts, Rhode Island, Pennsylvania, Delaware, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster, and from the State of Maryland, Mr. [Jeremiah Townley] Chase, the President adjourned Congress till ten o'clock to-morrow.

TUESDAY, DECEMBER 30, 1783

Five states only attending, namely, Massachusetts, Pennsylvania, Delaware, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from Rhode Island, Mr. [David] Howell; from Maryland, Mr. [Jeremiah Townley] Chase, and from South Carolina, Mr. [Jacob] Read, the President adjourned Congress till to-morrow at ten o'clock.

WEDNESDAY, DECEMBER 31, 1783

Five states only attending, viz. Massachusetts, Pennsylvania, Delaware, Virginia and North Carolina; and from the State of New Hampshire, Mr. [Abiel] Foster; from Rhode Island, Mr. [David] Howell; from Maryland, Mr. [Jeremiah Towney] Chase, and from South Carolina, Mr. [Jacob] Read, the President adjourned Congress till ten o'clock to-morrow.

NOTES OF DEBATES IN THE CONTINENTAL
CONGRESS, BY JAMES MADISON.

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NOTES OF DEBATES.

WEDNESDAY, JAN^y 1ST, 1783.

The decision of the controversy between Con^t and Penn^a was reported.

The communications made from the Minister of France, concurred with other circumstances in effacing the impressions made by Mr. Jay's letter and Marbois's inclosed. The vote of thanks to C^t Rochambeau passed with unanimity and cordiality and afforded a fresh proof that the resentments against France had greatly subsided.

THURSDAY JAN^y 2^d

Nothing requiring notice.

FRIDAY, 3^d JAN^y

The vote of thanks to the Minister of France which passed yesterday was repealed in consequence of his having expressed to the President a desire that no notice might be taken of his conduct as to the point in question & of the latter's communicating the same to Congress. The temper of Congress here again manifested the transient nature of their irritation agst France.

The motion of Mr. Howel put on the Secret Journal gave Congress a great deal of vexation. This expedient for baffling his scheme of raising a ferment in his State and exposing the foreign transactions was adopted only in the last resort; it being questioned by some whether the articles of Confederation warranted it.

The answer to the note of the French Minister passed unanimously and was a further testimony of the abatement of the effects of Mr. Jay's letter &c.

The proceedings of the Court in the dispute between Con^t & P^a were after debates as to the meaning of the Confederation in directing such proceedings to be lodged among the acts of Congress entered at large on the Journals. It was remarked that the Delegates from Con^t particularly Mr. Dyer were more captious on the occasion than was consistent with a perfect acquiescence in the decree.

MONDAY, JAN^y 6TH.

The Memorial from the Army was laid before Congress and referred to a grand Committee. This reference was intended as a mark of the important light in which the memorial was viewed.

Mr. Berkley [Barclay] having represented some inconveniences incident to the plan of a Consular Convention between France and U. S., particularly the restriction of Consuls from trading and his letter having been committed, a report was made proposing that the Convention should for the present be suspended. To this it had been objected that as the convention might already be concluded such a step was improper; and as the end might be obtained by authorizing the Minister at Versailles to propose particular alterations that it was unnecessary. By Mr. Madison it had been moved that the report should be postponed to make place for the consideration of an instruction and authority to the s^d Minister for that purpose; and this motion had in consequence been brought before Congress. On this day the business was revived. The sentiments of the members were various, some wishing to suspend such part of the convention only as excluded Consuls from commerce; others thought this exclusion too important to be even suspended; others again thought the whole ought to be suspended during the war; & others lastly contending that the whole ought to be new modelled; the Consuls having too many privileges in some respects, & too little power in others. It was observable that this diversity of opinions prevailed chiefly among the members who had come in since the Convention had been passed in Congress; the members originally present adhering to the views which then governed them. The subject was finally postponed; 8 States only being represented, & 9 being requisite for such a question. Even to have suspended the convention after it had been proposed to the Court of France, & possibly acceded to would have been indecent and dishonorable; and at a juncture when G. B. was courting a commercial intimacy, to the probable uneasiness of France, of very mischievous tendency. But experience constantly teaches that new members of a public body do not feel the necessary respect or responsibility for the acts of their predecessors, and that a change of members and of *circumstances* often proves fatal to consistency and stability of public measures. Some conversation in private by the old members with the most judicious of the new in this instance has abated the fondness of the latter for innovations, and it is even problematical whether they will be again urged.

In the evening of this day the Grand Committee met and agreed to meet again the succeeding evening for the purpose of a conference with the Superintendent of Finance.

TUESDAY, JAN^y 7TH, 1782 [1783].

See the Journals.

In the evening the grand Committee had the assigned conference with Mr. Morris who informed them explicitly that it was impossible to make any advance of pay in the present state of the finances to the army and imprudent to give any assurances with respect to future pay until certain funds should be previously established. He observed that even if an advance ^ed be made it w^d be unhappy that it s^d appear to be the effect of demands from the army; as this precedent could not fail to inspire a distrust of the spontaneous justice of Congress and to produce repetitions of the expedient. He said that he had taken some measures with a view to a payment for the army which depended on events not within our command, that he had communicated these measures to Gen^l Washington under an injunction of secrecy, and that he could not as yet disclose them without endangering their success; that the situation of our affairs within his department was so alarming that he had thoughts of asking Congress to appoint a Confidential Committee to receive communications on that subject and to sanctify by their advice such steps as ought to be taken. Much loose conversation passed on the critical state of things, the defect of a permanent revenue, & the consequences to be apprehended from a disappointment of the mission from the army; which ended in the appointment of Friday evening next for and audience to General McDougall, Col. Brooks and Col. Ogden, the Deputies on the subject of the Memorial, the Superintendent to be present.

WEDNESDAY JAN^y 8, THURSDAY JAN^y 9th, AND FRIDAY JAN^y 10.

On the Report ¹ for valuing the land conformably to the rule laid down in the federal articles, the Delegates from Connecticut contended for postponing the subject during the war, alledging the impediments arising from the possession of N. Y., &c., by the enemy; but apprehending (as was supposed) that the flourishing State of Connecticut compared with the Southern States, would render a valuation at this

¹ This proposed to require the States to value the land and return the valuations to Congress. The above to be a marginal note. [Note in Madison's hand.]

crisis unfavorable to the former. Others, particularly Mr. Hamilton and Mr. Madison, were of opinion that the rule of the confederation was a chimerical one since if the intervention of the individual States were employed their interests would give a bias to their judgments, or that at least suspicions of such bias w^d prevail, and without their intervention, it could not be executed but at an expense, delay & uncertainty which were inadmissible; that it would perhaps be therefore preferable to represent these difficulties to the States and recommend an exchange of this rule of dividing the public burdens for one more simple easy & equal. The Delegates from S. Carolina generally & particularly Mr. Rutledge advocated the propriety of the constitutional rule & of an adherence to it, and of the safety of the mode in question arising from the honor of the States. The debates on the subject were interrupted by a letter from the Superintendent of Finance; informing Congress that the situation of his department required that a committee s^d be appointed with power to advise him on the steps proper to be taken; and suggesting an appointment of one consisting of a member from each State, with authority to give their advice on the subject. This expedient was objected to as improper, since Congress w^d thereby delegate an incommunicable power, perhaps, and would at any rate lend a sanction to a measure without even knowing what it was; not to mention the distrust which it manifested of their own prudence and fidelity. It was at length proposed & agreed to, that a special committee consisting of Mr. Rutledge Mr. Osgood and Mr. Madison, should confer with the Superintendent of Finance on the subject of his letter and make report to Congress. After the adjournment of Congress this Committee conferred with the Superintendent who after being apprized of the difficulties which had arisen in Congress, stated to them that the last account of our money affairs in Europe shewed that contrary to his expectations and estimates there was 3½ Million of livres short of the bills actually drawn; that further drafts were indispensable to prevent a stop to the public service; that to make good this deficiency there was only the further success of Mr. Adams' loan and the friendship of France to depend on, that it was necessary for him to decide on the expediency of his staking the public credit on these contingent funds by further drafts, and that in making this decision he wished for the sanction of a committee of Congress; that this sanction was preferable to that of Congress itself only as it w^d confide the risk attending bills drawn on such funds to a smaller number, and as secrecy was essential in the operation as well to guard our affairs in

general from injury, as the credit of the bills in question from debasement. It was supposed both by the Superintendent & the Committee that there was in fact little danger of bills drawn on France on the credit of the loan of 4 million of dollars, applied for, being dishonored; since if the negociations on foot were to terminate in peace, France would prefer an advance in our favor to exposing us to the necessity of resorting to G. B. for it; and that if the war s^d continue the necessity of such an aid to its prosecution would prevail. The result was that the Committee should make such report as would bring the matter before Congress under an injunction of secrecy, and produce a resolution authorising the Superintendent to draw bills as the public service might require on the credit of applications for loans in Europe. The report of the Committee to this effect was the next day accordingly made & adopted unanimously. Mr. Dyer alone at first opposed it as an unwarrantable & dishonorable presumption on the ability & disposition of France; being answered however that without such a step or some other exped^t which neither he nor any other had suggested, our credit would be stabbed abroad and the public service wrecked at home; and that however mortifying it might be to commit our credit, our faith & our honor to the mercy of a foreign nation, it was a mortification w^{ch} c^d not be avoided without endangering our very existence; he acquiesced and the resolution was entered unanimously. The circumstance of unanimity was thought of consequence as it w^d evince the more the necessity of the succour and induce France the more readily to yield it. On this occasion several members were struck with the impropriety of the late attempt to withdraw from France the trust confided to her over the terms of peace when we were under the necessity of giving so decisive a proof of our dependance upon her. It was also adverted to in private conversation as a great unhappiness that during negotiations for peace, when an appearance of vigor & resource were so desirable, such a proof of our poverty & imbecility could not be avoided.

The conduct of Mr. Howel &c. had led several & particularly Mr. Peters into an opinion that some further rule & security ought to be provided for concealing matters of a secret nature. On the motion of Mr. Peters a committee composed of himself Mr. Williamson &c. was appointed to make a report on the subject. On this day the report was made. It proposed that members of Congress should each subscribe an instrument pledging their faith & honor not to disclose certain enumerated matters.

The enumeration being very indistinct and objectionable, and a written engagement being held insufficient with those who without it w^d violate prudence or honor, as well as marking a general distrust of the prudence and honor of Congress, the report was generally disrelished; and after some debate in which it was faintly supported by Mr. Williamson, the Committee asked & obtained leave to withdraw it.

A discussion of the report on the mode of valuing the lands was revived. It consisted chiefly of a repetition of the former debates.

In the evening according to app^t on tuesday last, the grand Committee met, as did the Superintend^t of Finance. The chairman Mr. Wolcot informed the committee that Col^s Ogden & Brooks two of the deputies from the army had given him notice that Gen^l McDougal the first of the deputation, was so indisposed with a rheumatism as to be unable to attend, and expressed a desire that the Committee would adjourn to his lodging at the Indian queen tavern the deputies being very anxious to finish their business, among other reasons, on acct^t of the scarcity of money with them. At first the Committee seemed disposed to comply; but it being suggested that such an adjournment by a Committee of a member from each State would be derogatory from the respect due to themselves, especially as the Mission from the army was not within the ordinary course of duty, the idea was dropped. In lieu of it they adjourned to Monday evening next, on the ostensible reasons of the extreme badness of the weather which had prevented the attendance of several members.

MONDAY, JAN^y 13.

Report on the valuation of land was referred to a Grand Committee.

A motion was made by Mr. Peters, 2^ded by Mr. Madison, "that a com^{tee} be appointed to consider the expediency of making further applications for loans in Europe, & to confer with the Superin^t of Finance on the subject." In support of this motion Mr. P. observed that notwithstanding the uncertainty of success the risk of appearing unreasonable in our demands on France, and the general objections ag^t indebteding the U. S. to foreign nations, the crisis of our affairs demanded the experiment; that money must if possible be procured for the army and there was ground to expect that the C^t of France w^d be influenced by an apprehension that in case of her failure & of a pacification G. B. might embrace the opportunity of substituting her favors. Mr. Madison added that it was expedient to make the

trial because if it failed, our situation c^d not be made worse, that it would be prudent in France & therefore it might be expected of her, to afford the U. S. such supplies as would enable them to disband their army in tranquillity, lest some internal convulsions might follow external peace, the issue of which ought not to be hazarded, that as the affections & gratitude of this Country as well as its separation from G. B. were her objects in the Revolution, it would also be incumbent on her to let the army be disbanded under the impression of deriving their rewards through her friendship to their Country; since their temper on their dispersion through the several States and being mingled in the public councils, would very much affect the general temper towards France; and that if the pay of the army could be converted into a consolidated debt bearing interest, the requisitions on the States for the principal might be reduced to requisitions for the interest, and by that means a favorable revolution so far introduced into our finances.

The Motion was opposed by Mr. Dyer because it was improper to augment our foreign debts, & would appear extravagant to France. Several others assented to it with reluctance, and several others expressed serious scruples as honest men ag^t levying contributions on the friendship or fears of France or others, whilst the unwillingness of the States to invest Congress with permanent funds rendered a repayment so precarious. The motion was agreed to, and the Committee chosen—Mr. Ghoram, Mr. Peters, Mr. Izard.

In the evening according to appointment the Grand Committee gave an audience to the deputies from the army, viz: Gen^l McDougal & Col^l Ogden & Brooks. The first introduced the subject by acknowledging the attention manifested to the representations of the army by the app^l of so large a Committee; his observations turned chiefly on the 3 chief topics of the Memorial, namely an immediate advance of pay, adequate provision for the residue, and half-pay.—On the first he insisted on the absolute necessity of the measure to soothe the discontents both of the officers & soldiers, painted their sufferings & services, their successive hopes and disappointments throughout the whole war, in very high-colored expressions, and signified that if a disappointment were now repeated the most serious consequences were to be apprehended; that nothing less than the actual distresses of the army would have induced at this crisis so solemn an application to their country; but y^t the seeming approach of peace, and the fear of being still more neglected when the necessity of their services should be over, strongly urged the necessity of it.

His two colleagues followed him with a recital of various incidents & circumstances tending to evince the actual distresses of the army, the irritable state in which the deputies left them, and the necessity of the consoling influence of an immediate advance of pay. Colonel Ogden said he wished not indeed to return to the army if he was to be the messenger of disappointment to them. The deputies were asked 1st what particular steps they supposed would be taken by the army in case no pay c^d be immediately advanced; to which they answered that it was impossible to say precisely; that altho' the Sergeants & some of the most intelligent privates had been often observed in sequestered consultations, yet it was not known that any premeditated plan had been formed; that there was sufficient reason to dread that at least a mutiny would ensue, and the rather as the temper of the officers at least those of inferior grades, would with less vigor than heretofore struggle agst it. They remarked on this occasion, that the situation of the officers was rendered extremely delicate & had been sorely felt, when called upon to punish in soldiers a breach of engagements to the public which had been preceded by uniform & flagrant breaches by the latter of its engagements to the former. General McDougal said that the army were verging to that state which we are told will make a wise man mad, and Col: Brooks said that his apprehensions were drawn from the circumstance that the temper of the army was such that they did not reason or deliberate coolly on consequences and therefore a disappointment might throw them blindly into extremities. They observed that the irritations of the army had resulted in part from the distinctions made between Civil and military lists the former regularly receiving their salaries, and the latter as regularly left unpaid. They mentioned in particular that the members of the Legislatures would never agree to an adjournment without paying themselves fully for their services. In answer to this remark it was observed that the Civil officers on the average did not derive from their appointments more than the means of their subsistence; and that the military altho not furnished with their pay properly so called were in fact furnished with the same necessaries.

On the 2^d point to wit "adequate provision for the general arrears due to them," the deputies animadverted with surprise and even indignation on the repugnance of the States, some of them at least, to establish a federal revenue for discharging the federal engagements. They supposed that the ease not to say affluence with w^{ch} the people at large lived sufficiently indicated resources far beyond the actual

exertions, and that if a proper application of these resources was omitted by the Country and the army thereby exposed to unnecessary sufferings, it must naturally be expected that the patience of the latter w^d have its limits. As the deputies were sensible that the general disposition of Congress strongly favored this object, they were less diffuse on it. Gen^l McDougal made a remark w^{ch} may deserve the greater attention as he stepped from the tenor of his discourse to introduce it, and delivered it with peculiar emphasis. He said that the most intelligent and considerate part of the army were deeply affected at the debility and defects in the federal Gov^t, and the unwillingness of the States to cement & invigorate it; as in case of its dissolution, the benefits expected from the Revolution w^d be greatly impaired, and as in particular, the contests which might ensue am^g the States would be sure to embroil the officers which respectively belonged to them.

On the 3^d point to wit "half-pay for life," they expressed equal dissatisfaction at the States which opposed it observing that it formed a part of the wages stipulated to them by Congress & was but a reasonable provision for the remnant of those lives which had been freely exposed in the defence of their Country, and would be incompatible with a return to occupations & professions for which military habits of 7 years standing unfitted them. They complained that this part of their reward had been industriously and artfully stigmatized in many States with the name of pension, altho' it was as reasonable that those who had lent their blood and services to the public s^d receive an annuity thereon, as those who had lent their money; and that the officers whom new arrangements had from time to time excluded, actually labored under the approbrium of pensioners, with the additional mortification of not receiving a shilling of the emolum^{ts}. They referred however to their Memorial to show that they were authorised and ready to commute their half-pay for any equivalent and less exceptionable provision.

After the departure of the Deputies, the Grand Committee appointed a sub-committee, consisting of Mr. Hamilton, Mr. Madison, & Mr. Rutledge to report arrangements, in concert with the Superintend^t of Finance for their consideration.

TUESDAY JAN^y 15th [14th] 1783.

Congress adjourned for the meeting of the Grand Committee to whom was referred the report concerning the valuation of the lands and who accordingly met.

The Committee were in general strongly impressed with the extreme difficulty & inequality if not impracticability of fulfilling the article of Confederation relative to this point; Mr. Rutledge however excepted, who altho' he did not think the rule so good a one as a census of inhabitants, thought it less impracticable than the other members. And if the valuation of lands had not been prescribed by y^e federal articles, the Committee w^d certainly have preferred some other rule of apportionment, particularly that of numbers under certain qualifications as to Slaves. As the federal Constitution however left no option, & a few¹ only were disposed to recommend to the States an alteration of it, it was necessary to proceed 1st to settle its meaning—2^{dly} to settle the least objectionable mode of valuation. On the first point, it was doubted by several members wh^e the returns which the report under consideration required from the States would not be final and whether the Art^s of Conf^a w^d allow Congress to alter them after they had fixed on this mode; on this point no vote was taken. A 2^d question afterwards raised in the course of the discussion was how far the Art. required a specific valuation, and how far it gave a latitude as to the mode; on this point also there was a diversity of opinions, but no vote taken.

2^{dly} As to the mode itself referred to the G^d Com^s, it was strongly objected to by the Delegate from Con^t, Mr. Dyer—by Mr. Hamilton,—by Mr. Wilson, by Mr. Carol, and by Mr. Madison, as leaving the States too much to the bias of interest, as well as too uncertain & tedious in the execution. In fav^r of the Rep^s was Mr. Rutledge the father of it, who thought the honor of the States & their mutual confidence a sufficient security agst frauds and the suspicion of them. Mr. Ghoram fav^d the report also, as the least impracticable mode, and as it was necessary to attempt at least some compliance with the federal rule before any attempt could be properly made to vary it. An opinion entertained by Massachusetts that she was comparatively in advance to the U. S. made her anxious for a speedy settlement of the mode by which a final apportionment of the common burden c^d be effected. The sentiments of the other members of the Committee were not expressed.

Mr. Hamilton proposed in lieu of a reference of the valuation to the States, to class the lands throughout the States under distinctive descriptions, viz: arable, pasture, wood, &c. and to annex a uniform

¹ Mr. Hamilton was most strenuous on this point. Mr. Wilson also fav^d the idea. Mr. Madison also but restrained in some measure by the declared sense of Vir^a. Mr. Ghoram, and several others also, but wishing previous experience. [Note in MS.]

rate to the several classes according to their different comparative value, calling on the States only for a return of the quantities & descriptions. This mode would have been acceptable to the more compact and populous States, but was totally inadmissible to the Southern States.

Mr. Wilson proposed that returns of the quantity of land & of the number of inhabitants in the respective States sh^d be obtained, and a rule deduced from the combination of these data. This also would have affected the States in a similar manner with the proposition of Mr. Hamilton. On the part of the So. States it was observed that besides its being at variance with the text of the Confederation it would work great injustice, as would every mode which admitted the quantity of lands within the States, into the measure of their comparative wealth and abilities.

Lastly it was proposed by Mr. Madison, that a valuation sh^d be attempted by Congress without the intervention of the States. He observed that as the expence attending the operation would come ultimately from the same pockets, it was not very material whether it was borne in the first instance by Congress or the States, and that it at least deserved consideration whether this mode was not preferable to y^e proposed reference to the States.

The conversation ended in the app^t of a sub-committee consisting of Mr. Madison, Mr. Carroll & Mr. Wilson who were desired to consider the several modes proposed, to confer with the Superintend^t of Finance, and make such report to the G^d Com^e as they sh^d judge fit.

WEDNESDAY JAN^y 15.

A letter dated 19th December from Gen^l Greene was rec^d notifying the evacuation of Charlestown. It was in the first place referred to the Sec^y of Cong^s for publication; excepting the passage which recited the exchange of prisoners, which being contrary to the Resolution of the 16 of Oc^r ag^t: partial exchanges, was deemed improper for publication. It was in the next place referred to a com^e, in order that some complimentary report might be made in favor of Gen^l Greene & the Southⁿ army. Doc^t Ramsay hav^g come in after this reference and being uninformed of it, moved that a committee might be appointed to devise a proper mode of expressing to Gen^l Greene the high sense entertained by Congress of his merits and services. In support of his motion he went into lavish praises of G^l Greene, and threw out the idea of making him a Lieuten^t General. His motion being opposed as somewhat singular and unnecessary after the reference of Gen^l Greene's letter, he withdrew it.

A letter was rec^d from Gen^l Washington inclosing a certificate from Mr. Chittenden of Vermont acknowledging the receipt of the communication which G^l Washington had sent him of the proceedings of Congress on the [fifth] day of [December.]

THURSDAY, JAN^y 16.

Mr. Rutledge informed Congress that there was reason to apprehend that the train of negotiations in Europe had been so misrepresented in the State of S. Carolina as to make it probable that an attempt might be made in the Legislature to repeal the confiscation laws of that State, and even if such attempt sh^d fail, the misrepresentations c^d not fail to injure the sale of the property confiscated in that State. In order therefore to frustrate these misrepresentations he moved that the Delegates of S. Carolina might be furnished with an extract from the letter of the 14th of Oct^r from Doc^t Franklin, so far as it informed Congress "that something had been mentioned to the American Plenipotentiaries relative to the Refugees & to English debts, but not insisted on; it being answered on their part that this was a matter belonging to the individual States and on which Congress c^d enter into no stipulations." The motion was 2^d^d by Mr. Jarvais [Gervais], & supported by Mr. Ramsay. It was opposed by Mr. Ellsworth & Mr. Wolcott as improper, since a communication of this intelligence might encourage the States to extend confiscations to British debts, a circumstance which w^d be dishonorable to the U. S., & might embarrass a treaty of peace. Mr. Fitzsimmons expressed the same apprehensions, so did Mr. Ghorum. His Colleague Mr. Osgood was in fav^r of the motion. By Mr. Madison the motion was so enlarged and varied as "to leave *all* the delegates at liberty to communicate the extract to their const^{nts} in such form & under such cautions as they sh^d judge prudent." The motion so varied was adopted by Mr. Rutledge, & substituted in place of the original one. It was however still opposed by the Opponents of the original motion. Mr. Madison observed that as all the States had espoused in some degree the doctrine of confiscations, & as some of them had given instructions to their delegates on the subject, it was the duty of Congress without inquiring into the expediency of confiscations, to prevent as far as they c^d any measures which might impede that object in negotiations for peace, by inducing an opinion that the U. S. were not firm with respect to it; that in this view it was of consequence to prevent the repeal & even the attempt of a repeal of the confiscation law of one of the States and that if a confidential

communication of the extract in question would answer such a purpose, it was improper for Congress to oppose it. On a question the motion was negatived, Congress being much divided thereon. Several of those who were in the negative, were willing that the Delegates of S. Carolina sh^d be licensed to transmit to their State what related to the Refugees, omitting what related to British debts and invited Mr. Rutledge to renew his motion in that qualified form. Others suggested the propriety of his contradicting the misrepresentations in general without referring to any official information rec^d by Congress. Mr. R. said he w^d think further on the subject, and desired that it might lie over.

FRIDAY, JAN^y 17TH.

The Com^{tee} on the motion of Mr. Peters of the [thirteenth] day of [January] relative to a further application for foreign loans, reported that they had conferred with the Superintend^t of Finance, & concurred in opinion with him, that the applications already on foot were as great as could be made prudently, until proper funds should be established. The latent view of this report was to strengthen the arg^t in fav^r of such funds, and the report it was agreed should lie on the table to be considered along with the report which might be made on the memorial from the army, & which w^d involve the same subject.

The report thanking Gen^l Greeno for his services was agreed to without opposition or observation. Several however thought it badly composed, and that some notice ought to have been taken of Maj^r Burnet Aid to G^l G., who was the bearer of the letter announcing the evacuation of Charlestown.

Mr. Webster & Mr. Judd agents for the deranged officers of the Massachusetts and Con^t lines were heard by the G^d Committee in fav^r of their Constituents. The sum of their representations was that the s^d officers were equally distressed for, entitled to, and in expectation of provision for fulfilling the rewards stipulated to them, as officers retained in service.

FROM FRIDAY 17 TO TUESDAY 21.

See Journals.

A letter from Mr. Adams, of 8th day of October 1782 containing prophetic observations relative to the expedition of L^d Howe for the relief of Gibraltar & its consequences &c &c., excited &c &c.

Another letter from d^o, relative to y^e Treaty of Amity & Commerce & y^e Convention with the States Gen^l concerning vessels recaptured, copies of which accompanied the letter. These papers were committed to Mr. Madison Mr. Hamilton & Mr. Ellsworth.

WEDNESDAY JANUARY 22.

Congress adjourned to give the Com^s on the Treaty and Convention time to prepare a report thereon.

THURSDAY JANUARY 23.

The Report of the Com^s last mentioned consisting of a state of the variations in the Treaty of Amity & Commerce with the States General from the plan proposed by Congress, of a form of ratification of the s^d Treaty & of the Convention, & of a proclamation comprehending both was accepted and passed; the variations excepted w^{ch} were not meant to be entered on the journals. Both the Committee & Congress were exceedingly chagrined at the extreme incorrectness of the American copies of these national acts, and it was privately talked of as necessary to admonish Mr. Adams thereof, & direct him to procure with the concurrence of the other party a more correct & perspicuous copy. The Report of the Com^s as agreed to hav^e left a blank in the act of ratification for the insertion of the Treaty & Convention, & these being contained both in the Dutch & American languages the former column signed by the Dutch Plenipo^s only & the latter by Mr. Adams only, the Sec^y asked the direction of Congress whether both columns or the American only ought to be inserted. On this point several observations were made and different opinions expressed. In general the members seemed to disapprove of y^e mode used and w^d h^e preferred y^e use of a neutral language. As to the request of the Sec^y, Mr. Wilson was of opinion that the American columns only s^d be inserted. Several others concurred in this opinion; supposing that as Mr. Adams had only signed those columns, our ratifications ought to be limited to them. Those who were of a different opinion, considered the two parts as inseparable & as forming one whole, & consequently that both ought to be inserted. The case being a new one to Congress, it was proposed & admitted that the insertion might be suspended till the next day, by which time some authorities might be consulted on the subject.

A com^s, consisting of Mr. Madison, Mr. Mifflin & Mr. Williamson reported in consequence of a motion of Mr. Bland, a list of books proper for the use of Congress, and proposed that the Sec^y should be instructed to procure the same. In fav^r of the Rep^s it was urged as indispensable that Congress sh^d have at all times at co^mmand such authors on the law of Nations, treaties, Negotiations &c as w^d render their proceedings in such cases conformable to propriety; and it was

observed that the want of this information was manifest in several important acts of Congress. It was further observed that no time ought to be lost in collecting every book & tract which related to American antiquities & the affairs of the U. S., since many of the most valuable of these were every day becoming extinct, & they were necessary not only as materials for a Hist: of the U. S., but might be rendered still more so by future pretensions ag^t their rights from Spain or other powers which had shared in the discoveries & possessions of the New World. Ag^t the Report were urged 1st the inconveniency of advancing even a few hundred pounds at this crisis; 2^dly, the difference of expence between procuring the books during the war & after a peace. These objections prevailed, by a considerable majority. A motion was then made by Mr. Wilson, 2^ded by Mr. Madison, to confine the purchase for the present to the most essential part of the books. This also was negatived.

FRIDAY JAN^y 24TH.

Some days prior to this sundry papers had been laid before Congress by the War office, shewing that a Cargo of supplies which had arrived at Wilmington for the British and German Prisoners of War under a passport from the Commander in chief and which were thence proceeding by land to their destination, had been seized by sundry persons in Chester County under a law of Penns^a, which required in such cases a license from the Executive authority, who exposed to confiscation all Articles not *necessary* for the prisoners, & referr^d the question of necessity to the judgment of its own Magistrates. Congress unanimously considered the violation of the passport issued under y^r Authority as an encroachment on their constitutional & essential rights; but being disposed to get over the difficulty as gently as possible appointed a Com^s, consisting of Mr. Rutledge, Mr. Wolcot & Mr. Madison, to confer with the Executive of P^a on the subject. In the first conference the Executive represented to the Committee the concern they felt at the incident, their disposition to respect & support the dignity and rights of the federal Sovereignty; and the embarrassments in which they were involved by a recent & express law of the State to which they were bound to conform. The Com^s observed to them that the power of granting passports for the purpose in question being inseparable from the general power of war delegated to Congress, & being essential for conducting the war, it could not be expected that Congress w^d acquiesce in any infractions upon it; but that as P^a had concurred in the alienation of this power

to Congress, any law whatever contravening this was necessarily void, and c^d impose no obligation on the Executive. The latter requested further time for a consideration of the case & laid it before the Legislature then sitting; in consequence of which a Com^s of their body was app^d, jointly with the Executive to confer with the Committee of Congress. In this 2^d conference the first remarks made by the Com^s of Congress were repeated. The Com^s of the Legislature expressed an unwillingness to entrench on the jurisdiction of Congress, but some of them seemed not to be fully satisfied that the law of the State did so. Mr. Montgomery lately a member of Congress observed that altho' the general power of war was given to Congress yet that the mode of exercising that power might be regulated by the States in any manner which w^d not frustrate the power, & which their policy might require. To this it was answered that if Congress had the power at all, it could not either by the Articles of Confederation or the reason of things admit of such a controuling power in each of the States, and that to admit such a construction w^d be a virtual surrender to the States of their whole federal power relative to war, the most essential of all the powers delegated to Congress. The Com^s of the Legis^{re} represented as the great difficulty with them, that even a repeal of the law w^d not remedy the case without a retrospective law which their Constitution w^d not admit of, & expressed an earnest desire that some accommodating plan might be hit upon. They proposed in order to induce the Seizors to waive their appeal to the law of the State, that Congress w^d allow them to app^t one of two persons who s^d have authority to examine into the supplies and decide whether they comprehended any articles that were not warranted by the passport. The Com^s of Congress answered that whatever obstacles might lie in the way of redress by the Legislature if no redress proceeded from them, equal difficulties w^d lie on the other side, since Congress in case of a confiscation of the supplies under the law which the omission of some formalities req^d by it w^d probably produce, would be obliged by honor and good faith to indemnify the Enemy for their loss out of the common treasury; that the other States w^d probably demand a reimbursement to the U. S. from P^s, & that it was impossible to say to what extremity the affair might be carried. They observed to the Com^s of the Leg^{re} and the Executive, that Congress altho' disposed to make all allowances, and particularly in the case of a law passed for a purpose recommended by themselves, yet they c^d not condescend to any expedient which in any manner departed from the respect w^{ch} they owed to themselves

and to the Articles of Union. The Com^s of Congress however suggested that as the only expedient w^{ch} w^d get rid of the clashing of the Power of Congress and the law of the State, w^d be the dissuading the Seizors from their appeal to the latter, it was probable that if the Seizors w^d apply to Congress for Redress that such steps w^d [be] taken as w^d be satisfactory. This hint was embraced & both the Executive & the Com^s of the Leg^s promised to use their influence with the persons of most influence among the Seizors for that purpose. In consequence thereof a memorial from (see Journal) was sent in to Congress, comitted to the same Com^s of Congress, and their report of this day agreed to in w^{ch} the Presid^t of P^a is *requested* to app^t one of the referees. It is proper to observe that this business was conducted with great temper & harmony, & that Presid^t Dickinson, in particul^r, manifested throughout the course of it as great a desire to save the rights & dignity of Congress as those of the State over which he presided. As a few of the Seizors only were parties to the Memorial to Congress, it is still uncertain whether others may not adhere to their claims under the law in w^{ch} case all the embarrassments will be revived.

In a late report which had been drawn up by Mr. Hamilton, and made to Congress, in answ^r to a Memorial from the Legislature of P^a, (see) among other things shewing the impossibility Congress had been under of pay^g their Creditors it was observed that the aid afforded by the C^t of France had been appropriated by that Court at the time to the immediate use of the army. This clause was objected to as unnecessary, & as dishonorable to Congress. The fact also was controverted. Mr. Hamilton & Mr. Fitzsimmons justified the expediency of retain^g it, in order to justify Congress the more completely in failing in their engagements to the public Creditors. Mr. Wilson & Mr. Madison proposed to strike out the words appropriated by France, & substitute the words applied by Congress to the immediate and necessary support of the army. This proposition w^d have been readily approved had it not appeared on examination that in one or two small instances, & particularly in the paym^t of the balance due to A. Lee, Esq^r, other applications had been made of the aid in question. The Report was finally recommitted.

A letter from the Superin^t of Finance was received and read, acquainting Congress that as the danger from the Enemy which led him into the Dep^t was disappearing & he saw little prospect of provision being made without which injustice w^d take place of which he w^od never be the Minister, he proposed not to serve longer than may

next, unless proper provision s^d be made. This letter made a deep & solemn impression on Congress. It was considered as the effect of despondence in Mr. Morris of seeing justice done to the public Cred^{ts}, or the public finances placed on an honorable establish^t; as a source of fresh hopes to the enemy when known; as ruinous both to domestic & foreign credit; & as producing a vacancy which no one knew how to fill, & which no fit man w^d venture to accept. Mr. Ghoram, after observing that the administration of Mr. Morris had inspired great confidence and expectation in his State, & expressing his extreme regret at the event, moved that the letter s^d be co^mitted. This was opposed as unnecessary & nugatory by Mr. Wilson, since the known firmness of Mr. Morris, after deliberately taking a step w^d render all attempts to dissuade him fruitless; and that as the Memorial from the Army had brought the subject of funds before Congress, there was no other object for a Com^o. The motion to commit was disag^d to. Mr. Wilson then moved that a day might be assigned for the consideration of the letter. Agst the propriety of this it was observed, by Mr. Madison, that the same reasons which opposed a comitmt opposed the assignment of day. Since Congress c^d not however anxious their wishes or alarming their apprehensions might be, condescend to solicit Mr. Morris, even if there were a chance of its being successful; & since it w^d be equally improper for Congress however cogent a motive it might add in the mind of every member to struggle for substantial funds, to let such a consideration appear in their public acts on that subject. The motion of Mr. Wilson was not pressed. Congress supposing that a knowledge of Mr. Morris's intentions w^d anticipate the ills likely to attend his actual resignation, ordered his letter to be kept secret.

Nothing being said to day as to the mode of insertion of the Treaty & Convention with the States General the Sec^r proceeded in retaining both Columns.

In consequence of the report to the Grand Com^o on the memorial from the army, by the sub-com^o, the following report was made by the former to Cong^s, and came under consideration to-day.

* The Grand Com^o having considered the contents of the Mem^l presented by the army, find that they comprehend five different articles.

1. present pay.
2. A settlement of acc^{ts} of the arrearages of pay and security for what is due.

* Drawn by Col. Hamilton. [Note in MS.]

3. A commutation of the half pay allowed by differ^t resolutions of Congress for an equivalent in gross.

4. A settle^{mt} of the acc^{ts} of deficiencies of rations and compensation.

5. A settlement of accounts of deficiencies of cloathing and compensation.

The Com^{rs} are of opinion with resp^t to the 1st, that the Superintend^t of finance be directed, conformable to the measures already taken for that purpose, as soon as the State of the public finances will permit, to make such pay^t and in such manner as he shall think proper till the further order of Congress.

With respect to the 2^d Art., so far as relates to the settlement of acc^{ts}, that the several States be called upon to compleate the settle^{mt}, without delay, with their respective lines of the army up to the —— day of Aug: 1780: that the Superintendant be also directed to take such measures as shall appear to him most proper and effectual for accomplishing the object in the most equitable & satisfactory manner, hav^g regard to former resolutions of Cong^s, & to the settle^{mt} made in consequence thereof.—And so far as relates to the providing of security for what shall be found due on such settle^{mt}: Resolved that the troops of the United States in common with all the Credit^{rs} of the same, have an undoubted right to expect such security—and that Congress will make every effort in their power to obtain from the respective States *general* and substantial funds adequate to the object of funding the whole debt of the U. S.; and that Cong^s ought to enter upon an immediate & full consideration of the nature of such funds & the most likely mode of obtaining them.

With respect to the 3^d Article, the Comm^{rs} are of opinion that it will be expedient for Cong^s to leave it to the option of all officers entitled to half pay, either to preserve their claim to that provision as it now stands by the several resolutions of Cong^s upon that subject or to accept —— years full pay to be paid to them in one year after the conclusion of the war in money or placed upon good funded security bearing an annual interest of 6 P^r C^t, provided that the allowance to widows & orphans of such officers as have died or been killed or may die or be killed in the service during the war shall remain as established by the resolution of the —— day of ——.

With respect to the 4 & 5 Arts: the Com^{rs} beg leave to delay their report untill they have obtained more precise information than they now possess on the subject.

The 1st Clause of this report relative to immediate pay passed without opposition. The Sup^t had agreed to make out 1 month's

pay. Indeed, long before the arrival of the deputies from the army he had made contingent and secret provision for that purpose; and to ensure it now he meant if necessary to draw bills on the late application for loans. The words "conformable to measures already taken," referred to the above secret provision and were meant to shew that the payment to the army did not originate in the Memo^r, but in an antecedent attention to the wants of the army.

In the discussion of the 2^d clause, the epoch of Aug: 1780 was objected to by the Eastern delegates. Their States hav^e settled with their lines down to later periods, they wished now to obtain the sanction of Congress to them. After some debate, a compromise was proposed by Mr. Hamilton by substituting the last day of Dec^r 1780. This was agreed to without opposition altho' several members disliked it. The latter part of the clause beginning with the word Resolved, &c. was considered as a very solemn point, and the basis of the plans by which the public engagements were to be fulfilled & the Union cemented. A motion was made by Mr. Bland to insert after the words "in their power," the words "consistent with the Articles of Confederation." This amendment as he explained it was not intended to contravene the idea of funds extraneous to y^e federal articles, but to leave those funds for a consideration subsequent to providing constitutional ones. Mr. Arnold however eagerly 2^d^d it. No question however was taken on it, Congress deeming it proper to postpone the matter till the next day, as of the most solemn nature; and to have as full a representation as possible. With this view & to get rid of Mr. Bland's motion they adjourned, & ordering all the members not present & in town to be summoned.

SATURDAY, JAN^y 25.

The Sec^r of Congress hav^e suggested to a member that the Contract with the C^t of France specifying sums Due from the U. S., altho' extremely generous on the part of the former had been ratified without any such acknowledgm^{ts} by the latter, that this was the first instance in which such acknowledgm^{ts} had been omitted, & that the omission w^d be singularly improper at a time when we were soliciting further aids; these observations being made to Congress, the ratification was reconsidered, and the words "impressed with," &c., inserted.

The rep^t on the memorial was resumed. By Mr. Hamilton Mr. Fitzsimmons & one or two others who had conversed with Mr. Morris on the change of the last day of Dec^r for the —— day of

Augst, it was suggested that the change entirely contravened the measures pursued by his Department; and moved for a reconsideration of it in order to inquire into the subject. Without going into Details they urged this as a reason sufficient. The Eastern Delegates, altho' they wished for unanimity & system in future proceedings relative to our funds & finances were very stiff in retaining the vote w^{ch} coincided with the steps taken by their Constituents; of this much complaint was made. Mr. Rutledge on this occasion, alledging that Congress ought not to be led by general suggestions derived from the office of finance, joined by Mr. Gervais, voted agst the reconsideration. The consequence was, y^t S. Carol^a was divided, & six votes only in fav^r of the Reconsideration. Mr. Hamilton hav^g expressed his regret at the negative & explained more exactly the interference of the change of the Epoch with the measures and plans of the Office of Finance, w^{ch} had limited all State advances & settlem^{ts} to Aug: 1780, Mr. Rutledge acknowledged the sufficiency of the reasons & at his instance the latter date was reinstated. On this 2^d question Con^t also voted for Augst. The —— day of August being reinstated before a question on the whole paragraph was taken, Mr. Ghoram objected to the word "general" before funds as ambiguous, and it was struck out; not however as improper if referring to all the States, & not to all objects of taxation. Without this word the clause passed unanimously, even Rhode Island concurring in it.

Congress proceeded to the 3rd Clause relative to the commutation of half pay. A motion was made by Mr. Hamilton, to fill the blank with "six", this was in conformity to tables of Dr. Price, estimating the officers on the average of good lives. Liberality in the rate was urged by several as necessary to give satisfaction and prevent a refusal of the offer. For this motion there were 6 ayes 5 noes; the Southern States & New York being in the affirmative the Eastern & N. J. in the negative. Col. Bland proposed $6\frac{1}{2}$ erroneously supposing the negative of 6 to have proceeded from its being too low. It was on the contrary rather doubtful whether the Eastern States w^d concur in any arrangem^t on this head; so averse were they to what they call pensions. Several having calculated that the annual amount of half-pay was between 4 and 500,000 D^r and the interest of the gross sum funded at the rate of 6 years, nearly $\frac{3}{4}$ of that sum, Congress were struck with the necessity of proceeding with more caution & for that purpose committed the report to a Committee of 5—Mr. Osgood, Mr. Fitzsimmons, Mr. Gervais, Mr. Hamilton, and

Mr. Wilson. On the motion of Mr. Wilson Monday next was assigned for the consideration of the Resolution in the 2d clause of the Report on the Memorial from the army. He observed that this was necessary to prevent the resolution from being like many others,—*vox et preterea nihil*.

MONDAY, 27 JAN^y 1783.

A letter of Jan^y 20, from Gen^l Washington was rec^d notifying the death of Lord Stirling & inclosing a report of the Officer sent to apprehend Knowlton & Wells.

The following is an extract from the report: "He (one Israel Smith) further s^d that Knowlton & Wells had rec^d a letter from Jonathan Arnold, Esq^r at Congress part of which was made public, which informed them that affairs in Congress were unfavorable to them & w^d have them look out for themselves. What other information this letter contained he c^d not say. I found in my March thro' the State that the last mentioned Gentleman was much in favor with all the principal men in that State I had any conversation with."

Mr. Arnold being present at the reading informed Congress that he was surprised how such a notion should have prevailed with respect to him; that he had never held any correspondence with either Knowlton or Wells, and requested that he might be furnished with y^e extract above. In this he was indulged without opposition. But it was generally considered notwithstanding his denial of the correspondence, that he had at least at second hand, conveyed y^e intelligence to Vermont.

A long petition was read, signed as alledged by near two thousand inhabitants (but all in the same handwriting) of the territory lately in controversy between P^a & V^a, complaining of the grievances to which their distance from public authority exposed them & particularly of the late law of Pen^a interdicting even consultations about a new State within its limits; and praying that Congress w^d give a sanction to their independence & admit them into the Union. The Petition lay on the table without a single motion or remark relative to it.

The order of the day was called for, to wit the Resolution of saturday last in favor of adequate & substantial funds.

This subject was introduced by Mr. Wilson with some judicious remarks on its importance & the necessity of a thorough & serious discussion of it. He observed that the U. States had in the course of the revolution displayed both an unexampled activity in resisting

the enemy, and an unexampled patience under the losses & calamities occasioned by the war. In one point only he said they had appeared to be deficient & that was a cheerful payment of taxes. In other free Gov^{ts} it had been seen that taxation had been carried farther & more patiently borne than in States where the people were excluded from the Gov^{ts}. The people considering themselves as the sovereign as well as the subject; & as receiving with one hand what they paid with the other. The peculiar repugnance of the people of the U. S. to taxes he supposed proceeded first from the odious light in which they had been under the old Gov^t, in the habit of regarding them; 2^{dly}, from the direct manner in w^{ch} taxes in this country had been laid; whereas in all other countries taxes were paid in a way that was little felt at the time. That it could not proceed altogether from inability he said must be obvious: Nay that the ability of the U. S. was equal to the public burden might be demonstrated. According to the calculations of the best writers the inhabitants of G. B. paid before the present war at the annual rate of at least 25s Sterl^s per head. According to like calculations the inhabitants of the U. S. before the revolution paid indirectly and insensibly at the rate of at least 10s Sterl^s per head. According to the computed depreciation of the paper emissions, the burden insensibly borne by the inhabitants of the U. S. had amounted during the first three or four years of the war to not less than twenty Million of dollars per annum, a burden too which was the more oppressive as it fell very unequally on the people. An inability therefore could not be urged as a plea for the extreme deficiency of the revenue contributed by the States, which did not amount during the past year, to $\frac{1}{2}$ a Million of dollars, that is to $\frac{1}{3}$ of a dollar per head. Some more effectual mode of drawing forth the resources of the Country was necessary. That in particular it was necessary that such funds should be established as would enable Congress to fulfill those engagements which they had been enabled to enter into. It was essential he contended that those to whom were delegated the power of making war & peace should in some way or other have the means of effectuating these objects; that as Congress had been under the necessity of contracting a large debt justice required that such funds should be placed in their hands as would discharge it; that such funds were also necessary for carrying on the war; and as Congress found themselves in their present situation destitute both of the faculty of paying debts already contracted, and of providing for future exigencies, it was their duty to lay that situation before their constituents; and at least to come to

an *éclaircissement* on the subject, he remarked that the establish^t of certain funds for paying w^d set afloat the public paper; adding that a public debt resting on general funds would operate as a cement to the confederacy, and might contribute to prolong its existence, after the foreign danger ceased to counteract its tendency to dissolution. He concluded with moving that it be Resol^d.

“That it is the opinion of Congress that complete justice cannot be done to the Creditors of the United States, nor the restoration of public credit be effected, nor the future exigencies of the war provided for, but by the establishment of *general* funds to be collected by Congress.”

This motion was seconded by Mr. Fitzsimmons. Mr. Bland desired that Congress w^d before the discussion proceeded farther receive a communication of sundry papers transmitted to the Virg^a Delegates by the Executive of that State; two of which had relation to the question before Congress. These were 1st, a Resolution of the Gen^l Assembly declaring its inability to pay more than £50.000 V^s currency towards complying with the demands of Congress. 2^d, the Act repealing the Act granting the impost of 5 Per C^t. These papers were received and read.

Mr. Wolcot expressed some astonishment at the inconsistency of these two acts of V^s; supposed that they had an unfavorable aspect on the business before Congress; & proposed that the latter s^d be postponed for the present. He was not seconded.

Mr. Ghorum favored the general idea of the motion, animadverting on the refusal of Virg^a to contribute the necessary sums & at the same moment repealing her concurrence in the only scheme that promised to supply a deficiency of contributions. He thought the motion however inaccurately expressed, since the word “general” might be understood to refer to every possible object of taxation as well as to the operation of a particular tax throughout the States. He observed that the non-payment of the 1.200.000 D^{rs} demanded by Congress for paying the interest of the debts for the year—demonstrated that the constitutional mode of annual requisitions was defective; he intimated that lands were already sufficiently taxed & that polls & commerce were the most proper objects. At his instance the latter part of the motion was so amended as to run “establishment of permanent and adequate funds to operate generally throughout the U. States.”

Mr. Hamilton went extensively into the subject; the sum of it was as follows: he observed that funds considered as permanent

sources of revenue were of two kinds 1. Such as would extend generally and uniformly throughout the U. S., and w^d be collected under the authority of Cong^s; 2^{dly}, such as might be established separately within each State, and might consist of any objects which were chosen by the States, and which might be collected either under the authority of the States or of Cong^s. Funds of the 1st kind he contended were preferable, as being 1st, more simple, the difficulties attending the mode of fixing the quotas laid down in the Confederation rendering it extremely complicated & in a manner insuperable; 2^d, as being more certain, since the States according to the sec^d plan w^d probably retain the collection of the revenue, and a vicious system of collection prevailed generally through the U. S., a system by which the collectors were chosen by the people & made their offices more subservient to their popularity than to the public revenue; 3^d, & as being more economical, since the collection would be effected with fewer officers under the management of Congress than under that of the States.

Mr. Ghorum observed that Mr. Hamilton was mistaken in the representation he had given of the collection of taxes in several of the States; particularly in that of Massachusetts, where the collection was on a footing which rendered it sufficiently certain. Mr. Wilson having risen to explain some things which had fallen from him, threw out the suggestion that several branches of Revenue if yielded by all the States, would perhaps be more just & satisfactory than any single one; for example an impost on trade combined with a land tax.

Mr. Dyer expressed a strong dislike to a Collection by officers appointed under Congress & supposed the States would never be brought to consent to it.

Mr. Ramsay was decidedly in favor of the proposition. Justice he said entitled those who had lent their money & services to the U. S. to look to them for payment; that if general and certain revenues were not provided, the consequence w^d be that the army & public Creditors would have soon to look to their respective States only for satisfaction; that the burden in this case w^d fall unequally on the States; that rivalships relative to trade w^d impede a regular impost & would produce confusion am^g the States; that some of the States would never make of themselves provision for half pay and that the army w^d be so far defrauded of the rewards stipulated to them by Congress; that altho it might be uncertain whether the States w^d accede to plans founded on y^e proposition before the house,

yet as Congress was convinced of its truth & importance it was their duty to make the experiment.

Mr. Bland thought that the ideas of the States on the subject were so averse to a general revenue in the hands of Cong^s that if such a revenue were proper it was unattainable; that as the deficiency of the contributions from the States proceeded, not from complaint of their inability¹ but of the inequality of the apportionments, it would be a wiser course to pursue the rule of the Confederation, to-wit to ground the requisition on an actual valuation of lands; that Congress w^d then stand on firm ground and try a practicable mode.

TUESDAY, JAN^y 28TH 1783.

The subject yesterday under discussion was resumed. A division of the question was called for by Mr. Wolcott so as to have a distinct question on the words "to be collected by Congress," w^{ch} he did not like.

Mr. Wilson considered this mode of collection as essential to the idea of a general revenue. Since without it the proceeds of the revenue w^d depend entirely on the punctuality energy & unanimity of the States, the want of which led to the present consideration.

Mr. Hamilton was strenuously of the same opinion. Mr. Fitzsimons informed Congress that the Legislature of Penn^a had, at their last meeting, been dissuaded from appropriating their revenue to the payment of their own Citizens Creditors of the U. S., instead of remitting it to the Continental treasury; merely by the urgent representations of a Committee of Congress & by the hope that some general system in fav^r of all the public creditors would be adopted; that the Legislature were now again assembled; and altho sensible of the tendency of such an example, thought it their duty & meant in case the prospect of such a system vanished to proceed immediately to the separate appropriations formerly in contemplation.

On the motion of Mr. Madison, the whole proposition was new-modelled, as follows:

"That it is the opinion of Congress that the establishment of permanent & adequate funds to operate generally throughout the U. States is indispensably necessary for doing complete justice to the Creditors of the U. S., for restoring public credit & for providing for the future exigencies of the war." The words "to be collected

¹ The paper just read from Virg^a complained of her inability without mentioning an inequality. This was deemed a strange assertion. [Note in MS.]

under the authority of Congress" were as a separate question left to be added afterwards.

Mr. Rutledge objected to the term "generally" as implying a degree of uniformity in the tax which would render it unequal. He had in view particularly a land tax according to quantity as had been proposed by the office of finance. He thought the prejudices of the people opposed to the idea of a general tax; and seemed on the whole to be disinclined to it himself, at least if extended beyond an impost on trade; urging the necessity of pursuing a valuation of land, and requisitions grounded thereon. Mr. Lee 2^d the opposition to the term "general," he contended that the States w^d never consent to a uniform tax because it w^d be unequal; that it was moreover repugnant to the articles of confederation; and by placing the purse in the same hands with the sword, was subversive of the fundamental principles of liberty. He mentioned the repeal of the impost by Virg^a, himself alone opposing it & that too on the inexpediency in point of time—as proof of the aversion to a general revenue. He reasoned upon the subject finally as if it was proposed that Congress s^d assume & exercise a power immediately & without the previous sanction of the States, of levying money on them. In consequence Mr. Wilson rose & explained the import of the motion to be that Congress should recommend to the States the investing them with power. He observed that the Confederation was so far from precluding, that it expressly provided for future alterations; that the power given to Congress by that Act was too little not too formidable, that there was more of a centrifugal than centripetal force in the States and that the funding of a common debt in the manner proposed would produce a salutary invigoration and cement of the Union.

Mr. Elsworth acknowledged himself to be undecided in his opinion; that on the one side he felt the necessity of continental funds for making good the continental engagements, but on the other desponded of a unanimous concurrence of the States in such an establishment. He observed that it was a question of great importance, how far the federal Gov^t can or ought to exert coercion against delinquent members of the confederacy; & that without such coercion no certainty could attend the constitutional mode which referred every thing to the unanimous punctuality of thirteen different councils. Considering therefore a continental revenue as unattainable, and periodical requisitions from Congress as inadequate, he was inclined to make trial of the middle mode of permanent State funds, to be provided at the recommendation of Cong^t, and appropriated to the discharge of the common debt.

Mr. Hamilton, in reply to Mr. Elsworth, dwelt long on the inefficacy of State funds. He supposed too that greater obstacles would arise to the execution of the plan than to that of a general revenue. As an additional reason for the latter to be collected by officers under the appointment of Congress, he signified that as the energy of the federal Gov^t was evidently short of the degree necessary for pervading and uniting the States it was expedient to introduce the influence of officers deriving their emoluments from & consequently interested in supporting the power of Congress.¹

Mr. Williamson was of opinion that continental funds altho' desirable, were unattainable at least to the full amount of the public exigencies. He thought if they could be obtained for the foreign debt, it would be as much as could be expected, and that they would also be less essential for the domestic debt.

Mr. Madison observed that it was needless to go into proofs of the necessity of pay^g the public debts; that the idea of erecting our national independence on the ruins of public faith and national honor must be horrid to every mind which retained either honesty or pride; that the motion before Congress contained a simple proposition with respect to the truth of which every member was called upon to give his opinion. That this opinion must necessarily be in the affirmative, unless the several objects of doing justice to the public creditors, &c. &c. could be compassed by some other plan than the one proposed; that the 2 last objects depended essentially on the first, since the doing justice to the Creditors alone w^d restore public credit, & the restoration of this alone could provide for the future exigencies of the war. Is then a continental revenue indispensably necessary for doing complete justice &c? This is the question. To answer it the other plans proposed must first be reviewed.

In order to do complete justice to the public creditors, either the principal must be paid off, or the interest paid punctually. The 1st is admitted to be impossible on any plan. The only plans opposed to the contin^l one for the latter purpose are 1st periodical requisitions according to the federal articles; 2^d permanent funds established by each State within itself & the proceeds consigned to the discharge of public debts.

¹ This remark was imprudent & injurious to the cause w^{ch} it was meant to serve. This influence was the very source of jealousy which rendered the States averse to a revenue under the collection as well as appropriation of Congress. All the members of Congress who concurred in any degree with the States in this jealousy smiled at the disclosure. Mr. Bland and still more Mr. L[ee], who were of this number took notice in private conversation, that Mr. Hamilton had let out the secret. [Note in MS.]

Will the 1st be adequate to the object? The contrary seems to be maintained by no one. If reason did not sufficiently premonish experience has sufficiently demonstrated that a punctual & unfailing compliance by 13 separate and independent Gov^{ts} with periodical demands of money from Congress, can never be reckoned upon with the certainty requisite to Satisfy our present creditors, or to tempt others to become our creditors in future.

2^d Will funds separately established within each State & the amount submitted to the appropriation of Congress be adequate to the object? The only advantage which is thought to recommend this plan is that the States will be with less difficulty prevailed upon to adopt it. Its imperfections are 1st that it must be preceded by a final & satisfactory adjustment of all acc^{ts} between the U. S. and individual States; and by an apportionment founded on a valuation of all the lands throughout each of the States in pursuance of the law of the confederation; for although the States do not as yet insist on these pre-requisites in y^e case of annual demands on them, with w^{ch} they very little comply & that only in the way of an open acc^t, yet these conditions w^d certainly be exacted in case of a permanent cession of revenue; and the difficulties & delays to say the least incident to these conditions can escape no one. 2^d the produce of the funds being always in the first instance in the hands & under the controul of the States separately, might at any time & on various pretences, be diverted to State objects. 3^d, that jealousy which is as natural to the States as to individuals & of which so many proofs have appeared, that *others* will not fulfil their respective portions of the common obligations, will be continually and mutually suspending remittances to the common treasury, until it finally stops them altogether. These imperfections are too radical to be admitted into any plan intended for the purposes in question.

It remains to examine the merits of the plan of a general revenue operating throughout the U. S. under the superintendence of Congress.

One obvious advantage is suggested by the last objection to separate revenues in the different States; that is, it will exclude all jealousy among them on that head, since each will know whilst it is submitting to the tax, that all the others are necessarily at the same instant bearing their respective portions of the burden. Again, it will take from the States the opportunity as well as the temptation to divert their incomes from the general to internal purposes since these incomes will pass *directly* into the treasury of the U. S.

Another advantage attending a general revenue is that in case of the concurrence of the States in establishing it, it would become soonest productive; and would consequently soonest obtain the objects in view. Nay so assured a prospect would give instantaneous confidence & content to the public creditors at home & abroad, and place our affairs in the most happy train.

The consequences with respect to the Union, of omitting such a provision for the debts of the Union also claims particular attention. The tenor of the memorial from Penn^a, and of the information just given on the floor by one of its Delegates, (Mr. Fitzsimmons,) renders it extremely probable that that State would as soon as it s^d be known that Congress had declined such provision or the States rejected it, appropriate the revenue required by Congress to the payment of its own Citizens & troops, creditors of the U. S. The irregular conduct of other States on this subject enforced by such an example could not fail to spread the evil throughout the whole continent. What then w^d become of the confederation? What w^d be the authority of Congress? w^t the tie by which the States c^d be held together? what the source by which the army could be subsisted & clothed? What the mode of dividing & discharging our foreign debts? What the rule of settling the internal acc^ts? What the tribunal by which controversies am^g the States could be adjudicated?

It ought to be carefully remembered that this subject was brought before Congress by a very solemn appeal from the army to the justice & gratitude of their Country. Besides immediate pay, they ask for permanent Security for arrears. Is not this request a reasonable one? Will it be just or politic to pass over the only adequate security that can be devised, & instead of fulfilling the stipulations of the U. S. to them, to leave them to seek their rewards separately from the States to which they respectively belong? The patience of the army has been equal to their bravery, but that patience must have its limits; and the result of despair cannot be foreseen, nor ought to be risked.

It has been objected ag^t a general revenue that it contravenes the articles of confederation. These Articles as has been observed have presupposed the necessity of alterations in the federal system, & have left a door open for them. They moreover authorise Congress to borrow money. Now in order to borrow money permanent & certain provision is necessary, & if this provision cannot be made in any other way as has been shewn, a general revenue is within the spirit of the confederation.

It has been objected that such a revenue is subversive of the sovereignty and liberty of the States. If it were to be assumed without the free gift of the States this objection might be of force, but no assumption is proposed. In fact Congress are already invested by the States with the constitutional authority over the purse as well as the sword. A general revenue would only give this authority a more certain & equal efficacy. They have a right to fix the *quantum* of money necessary for the common purposes. The right of the States is limited to the *mode* of supply. A requisition of Congress on the States for money is as much a law to them as their revenue Acts when passed are laws to their respective Citizens. If, for want of the faculty or means of enforcing a requisition, the law of Congress proves inefficient, does it not follow that in order to fulfil the views of the federal constitution, such a change s^d be made as will render it efficient? Without such efficiency the end of this Constitution, which is to preserve order and justice among the members of the Union, must fail; as without a like efficiency would the end of State Constitutions, w^{ch} is to preserve like order & justice among its members.

It has been objected that the States have manifested such aversion to the impost on trade as renders any recommendations of a general revenue hopeless & imprudent. It must be admitted that the conduct of the States on that subject is less encouraging than were to be wished. A review of it however does not excite despondence. The impost was adopted immediately & in its utmost latitude by several of the States. Several also which complied partially with it at first, have since complied more liberally. One of them after long refusal has complied substantially. Two States only have failed altogether & as to one of them it is not known that its failure has proceeded from a decided opposition to it. On the whole it appears that the necessity & reasonableness of the scheme have been gaining ground among the States. He was aware that one exception ought to be made to this inference; an exception too w^{ch} peculiarly concerned him to advert to. The State of Virg^a, as appears by an Act yesterday laid before Congress has withdrawn its assent once given to the scheme. This circumstance c^d not but produce some embarrassment in a representative of that State advocating the Scheme, one too whose principles were extremely unfavorable to a disregr^d of the sense of Constituents. But it ought not to deter him from listening to considerations which in the present case ought to prevail over it. One of these considerations was that altho'

the delegates who compose Congress, more immediately represented & were amenable to the States from which they respectively come, yet in another view they owed a fidelity to the collective interests of the whole. 2^d, Although not only the express instructions, but even the declared sense of constituents as in the present case, were to be a law in general to their representatives, still there were occasions on which the latter ought to hazard personal consequences from a respect to what his clear conviction determines to be the true interest of the former; and the present he conceived to fall under this exception. Lastly the part he took on the present occasion was the more fully justified to his own mind, by his thorough persuasion that with the same knowledge of public affairs which his station commanded the Legislature of V^a would not have repealed the law in favor of the impost and would even now rescind the repeal.

The result of these observations was that it was the duty of Congress under whose authority the public debts had been contracted to aim at a general revenue as the only means of discharging them; and that this dictate of justice and gratitude was enforced by a regard to the preservation of the confederacy, to our reputation abroad & to our internal tranquillity.

Mr. Rutledge complained that those who so strenuously urged the necessity & competency of a general revenue ¹ operating throughout all the States at the same time, declined specifying any general objects from which such a revenue could be drawn. He was thought to insinuate that these objects were kept back intentionally untill the general principle c^d be irrevocably fixed when Cong^s would be bound at all events to go on with the project; whereupon Mr. Fitzsimmons expressed some concern at the turn w^{ch} the discussion seemed to be taking. He said, that unless mutual confidence prevailed no progress could be made towards the attainment of those ends w^{ch} all in some way or other aimed at. It was a mistake to suppose that any specific plan had been preconcerted among the patrons of a general revenue.

Mr. Wilson with whom the motion originated gave his assurances that it was neither the effect of preconcert with others, nor of any determinate plan matured by himself; that he had been led into it, by the declaration on Saturday last by Cong^s that substantial funds ought to be provided, by the memorial of the army from which that declaration had resulted, by the memorials from the State of P^a, hold-

¹ He was apprehensive that a tax on land according to its quantity not value as had been recom^d by Mr. Morris, was in contemplation. [Note in MS.]

ing out the idea of separate appropriations of her revenue unless provision were made for the public creditors, by the deplorable & dishonorable situation of public affairs which had compelled Congress to draw bills on the unpromised and contingent bounty of their Ally, and which was likely to banish the Superint^d of Finance, whose place c^d not be Supplied, from his department. He observed that he had not introduced detail[s] into the debate because he thought them premature, until a general principle should be fixed; and that as soon as the principle s^d be fixed he would, altho not furnished with any digested plan, contribute all in his power to the forming such a one.

Mr. Rutledge moved that the proposition might be committed in order that some practicable plan might be reported, before Congress s^d declare that it ought to be adopted.

Mr. Izard 2^d^{ed} the motion, from a conciliating view.

Mr. Madison thought the commitment unnecessary, and would have the appearance of delay; that too much delay had already taken place, that the deputation of the army had a right to expect an answer to their memorial as soon as it could be decided by Congress. He differed from Mr. Wilson in thinking that a specification of the objects of a general revenue would be improper, and thought that those who doubted of its practicability had a right to expect proof of it from details before they c^d be expected to assent to the general principle; but he differed also from Mr. Rutledge, who thought a commitment necessary for the purpose; since his views would be answered by leaving the motion before the house and giving the debate a greater latitude. He suggested as practicable objects of a general revenue. 1st an impost on trade; 2^d^{ly} a poll tax under certain qualifications; 3^d^{ly} a land-tax under do.¹

Mr. Hamilton suggested a house & window tax; he was in favor of the mode of conducting the discussion urged by Mr. Madison.

On the motion for the comm^t, 6 States were in favor of it, & five agst it, so it was lost, in this vote the merits of the main proposition very little entered.

Mr. Lee said that it was a waste of time to be forming resolutions & settling principles on this subject. He asked whether these w^d ever bring any money into the public treasury. His opinion was that

¹ A poll tax to be qualified by rating blacks somewhat lower than whites—a land tax by considering the value of land in each State to be in an inverse proportion of its quantity to the n^o of people; and apportioning on the aggregate quantity in each State accordingly, leaving the State at liberty to make a distributive apportionment on its several districts, on a like or any other equalizing principle. [Note in MS.]

Congress ought in order to guard agst the inconveniency of meetings of the different Legislatures at different & even distant periods, to call upon the Executives to convoke them all at one period, & to lay before them a full state of our public affairs. He said the States would never agree to those plans which tended to aggrandize Congress; that they were jealous of the power of Congress, & that he acknowledged himself to be one of those who thought this jealousy not an unreasonable one; that no one who had ever opened a page or read a line on the subject of liberty, could be insensible to the danger of surrendering the purse into the same hands which held the sword.

The debate was suspended by an adjournment.

WEDNESDAY, JAN^y 29TH. 1873.

Mr. Fitzsimmons reminded Congress of the numerous inaccuracies & errors in the American column of the Treaty with Holland and proposed that a revision of it as ratified should take place in order that some steps might be taken for redressing this evil; he added that an accurate comparison of it with the treaty with France ought also to be made for the purpose of seeing whether it consisted in all its parts with the latter.¹ He desired the Committee who had prepared the ratification to give some explanation on this subject to Congress.

Mr. Madison, as first on that Committee, informed Congress that the inaccuracies & errors consisting of mis-spelling, foreign idioms, & foreign words, obscurity of the sense &c were attended to by the Committee & verbally noted to Congress when their report was under consideration; that the Committee did not report them in writing, as the task was disagreeable, and the faults were not conceived to be of sufficient weight to affect the ratification. He thought it w^d be improper to reconsider the act as had been suggested, for the purpose of suspending it on that or any other acc^t, but had no objection if Congress were disposed, to instruct Mr. Adams to substitute with the consent of the other party a more correct counterpart in the American language. The subject was dropped, nobody seeming inclined to urge it.

¹ Mr. Hamilton told Mr. Madison privately that M. de Marbois speaking of the treaty asked him emphatically whether there were not some articles which required animadversion. Mr. H. did not at the time know what was alluded to. He now supposed the allusion to be to some article supposed to be inconsistent with the Treaty with France; particularly the article referring to the select articles of the latter instead of the whole; which art. Mr. Adams informed Congress had been satisfactory to the D. de Vauguyon. [Note in MS.]

On the motion of Mr. Rutledge & for the purpose of extending the discussion to particular objects of General Revenue Congress resolved itself into a Committee of the whole to consider of the most effectual means of restoring public credit; and the proposition relative to general revenue was referred to the Committee. Mr. Carroll was elected into the chair, & the proposition taken up.

Mr. Bland proposed to alter the words of the proposition so as to make it read establish^t of funds “on taxes or duties, to operate generally &c.” This was agreed to as a more correct phraseology. Mr. Hamilton objected to it at first, supposing thro’ mistake that it might exclude the back lands which was a fund in contemplation of some gentlemen.

Mr. Madison, having adverted to the jealousy of Mr. Rutledge of a latent scheme to fix a tax on land according to its quantity, moved that between the words “generally” & “to operate” might be inserted the words “and in just proportion.”

Mr. Wilson said he had no objection to this amendm^t, but that it might be referred to the taxes individually, & unnecessarily fetter Congress; since if the taxes collectively should operate in just proportion, it w^d be sufficient. He instanced a land tax & an impost on trade, the former of which might press hardest on the South^a, & the latter on the East^a, but both together might distribute the burden pretty uniformly. From this consideration he moved that the words “on the whole” might be prefixed to the words “in just proportion.” This amend^t to the amendment of Mr. Madison was 2^d^d by Mr. Boudinot & agreed to without opposition as was afterwards the whole amendm^t.

Mr. Wilson in order to leave the scheme open for the back lands as a fund for paying the public debts, moved that the proposition might be further altered so as to read “indispensably necessary *towards* doing complete justice &c.”—The motion was 2^d^d by Mr. Boudinot, & passed without opposition.

The main proposition of Mr. Wilson as thus amended then passed without opposition; in the words following: “That it is the opinion of Congress that the establishment of permanent and adequate funds on taxes or duties which shall operate generally & on the whole in just proportion throughout the U. S., are indispensably necessary towards doing complete justice to the public Creditors, for restoring public Credit, & for providing for the future exigencies of the War.”

Mr. Bland proposed as the only expedient that c^d produce immediate relief to the public Creditors, that Congress s^d by a fixed resolu-

tion appropriate to payment of the interest *all* the monies which should arise from the requisitions on the States. He thought this would not only give immediate relief to the Creditors, but by throwing into circulation the stagnant securities, enliven the whole business of taxation. This proposition was not 2^d.

Mr. Wilson proceeded to detail to Congress his ideas on the subject of a continental revenue. He stated the internal debt liquidated and unliquidated at 21 Million of Doll^rs the foreign debt at 8 Million, the actual deficiency of 1782 at 4 Million, the probable deficiency of '83 at 4 Million, making, in the whole 37 Million; which in round numbers and probably without exceeding the reality may be called 40 Million. The interest of this debt at 6 Per Ct., is 2,400,000 D^rs, to which it will be prudent to add 600,000, which if the war continues will be needed, and in case of peace may be applied to a navy. An annual revenue of 3 Million of D^rs then is the sum to be aimed at, and which ought to be under the management of Cong^s. One of the objects already mentioned from w^{ch} this revenue was to be sought, was a poll tax. This he thought a very proper one, but unfortunately the Constitution of Maryland which forbids this tax is an insuperable obstacle. Salt he thought a fit article to be taxed, as it is consumed in a small degree by all and in great quantities by none. It had been found so convenient a subject of taxation, that among all nations which have a system of revenue, it is made a material branch. In England a considerable sum is raised from it. In France it is swelled to the sum of 54,000,000 of Livres. He thought it would be improper to levy this tax during the war whilst the price w^d continue so high, but the necessary fall of price at the conclusion of it w^d render the tax less sensible to the people. The suspension of this particular tax during the war would not be inconvenient as it might be set apart for the debt due to France on which the interest would not be called for during the war. He computed the quantity of salt imported into the U. S. annually at 3 Million of Bushels, & proposed a duty of $\frac{1}{3}$ of a Dollar per bushel which w^d yield 1,000,000 of D^rs. This duty he observed w^d press hardest on the Eastern States, on acc^t of the extraordinary consumption in the fisheries.

The next tax which he suggested was on land. 1 Dollar on every 100 Acres according to the computation of the Superintend^t of finance would produce 500,000 Doll^rs. This computation he was persuaded might be doubled. Since there could not be less than 100 Million of Acres comprehended within the titles of individuals which at 1 D^r:

per 100 Acres would yield 1,000,000 of Dollars. This tax could not be deemed too high, and would bear heaviest not on the industrious farmer, but on the great land-holder. As the tax on Salt would fall with most weight on the Eastern States, the equilibrium would be restored by this which would be most felt by the Middle and Southern States.

The impost on trade was another source of revenue which altho' it might be proper to vary it somewhat in order to remove particular objections, ought to be again and again urged upon the States by Congress. The office of Finance has rated this at 500,000 Dollars. He thought a peace would double it in which case the sum of 3,000,000 Dr^s would be made up. If these computations however should be found to be too high there will still be other objects which would bear taxation. An Excise he said had been mentioned. In general this species of taxation was tyrannical & justly obnoxious, but in certain forms had been found consistent with the policy of the freest States. In Massachusetts, a State remarkably jealous of its liberty, an Excise was not only admitted before but continued since the revolution. The same was the case with Penn^a, also remarkable for its freedom. An Excise if so modified as not to offend the spirit of liberty may be considered as an object of easy & equal revenue. Wine & imported spirits had borne a heavy Excise in other Countries, and might be adopted in ours. Coffee is another object which might be included. The amount of these three objects is uncertain but materials for a satisfactory computation might be procured. These hints & remarks he acknowledged to be extremely imperfect & that he had been led to make them solely by a desire to contribute his mite towards such a system as would place the finances of the U. S. on an honorable and prosperous footing.

Mr. Ghorum observed that the proposition of Mr. Bland, however salutary its tendency might be in the respects suggested, could never be admitted because it would leave our army to starve, and all our affairs to stagnate during its immediate operation. He objected to a duty on salt as not only bearing too heavy on the Eastⁿ States, but as giving a dangerous advantage to Rivals in the fisheries. Salt he s^d exported from England for the fisheries is exempted particularly from duties. He thought it would be best to confine our attention for the present to the impost on trade which had been carried so far towards an accomplishment, and to remove the objections which had retarded it, by limiting the term of its continuance, leaving to

the States the nomination of the collectors, and by making the appropriation of it more specific.

Mr. Rutledge was also for confining our attention to the impost, & to get that before any further attempts were made. In order to succeed in getting it however he thought it ought to be asked in a new form. Few of the States had complied with the recommendation of Cong^s, literally. Georgia had not yet complied. Rhode Island had absolutely refused to comply at all. Virg^a, which at first complied but partially has since rescinded even that partial compliance. After enumerating the several objections urged by the States agst the scheme, he proposed in order to remove them the following resolution; viz:

“that it be earnestly recommended to the several States to impose & levy a duty of 5 Per Cent ad valorem, at the time & place of importation, on all goods, wares & merchandizes of foreign growth & manufacture w^{ch} may be imported into the said States respectively, except goods of the U. S. or any of them, and a like duty on all prizes & prize goods condemned in the court of admiralty of said States; that the money arising from such duties be paid into the continental Treasury, to be appropriated & applied to the payment of the interest and to sink the principal of the money which the U. S. have borrowed in Europe & of what they may borrow, for discharging the arrears due to the army & for the future support of war & to no other use or purpose whatsoever; that the said duties be continued for 25 years unless the debts above mentioned be discharged in the mean time, in which case they shall cease & determine; that the money arising from the said duties & paid by any State, be passed to the credit of such State on account of its quota of the debt of the U. States.” The motion was seconded by Mr. Lee.

Mr. Woolcot opposed the motion as unjust towards those States which having few or no ports receive their merchandize through the ports of others; repeating the observation that it is the consumer & not the importer who pays the duty. He again animadverted on the conduct of Virg^a in first giving & afterwards withdrawing her assent to the impost recommended by Congress.

Mr. Elseworth thought it wrong to couple any other objects with the Impost; that the States would give this if anything; and that if a land tax or an excise were combined with it, the whole scheme would fail. He thought however that some modification of the plan recommended by Cong^s would be necessary. He supposed when the benefits of this contin^l revenue should be experienced it would incline

the States to concur in making additions to it. He abetted the opposition of Mr. Wooleot to the motion of Mr. Rutledge which proposed that each State should be credited for the duties collected within its ports; dwelt on the injustice of it, said that Connecticut before the revolution did not import $\frac{1}{50}$, perhaps not $\frac{1}{100}$, part of the foreign merchandize consumed within it, and pronounced that such a plan w^d never be agreed to. He concurred in the expediency of new-modelling the scheme of the impost by defining the period of its continuance; by leaving to the States the nomination, & to Congress the appointment of Collectors or vice versa; and by a more determinate appropriation of the revenue. The first object to which it ought to be applied was he thought, the foreign debt. This object claimed a preference as well from the hope of facilitating further aids from that quarter, as from the disputes into w^{ch} a failure may embroil the U. S. The prejudices ag^t making a provision for foreign debts which s^d not include the domestic ones was he thought unjust & might be satisfied by immediately requiring a tax in discharge of which loan-office certificates should be receivable. State funds for the domestic debt would be proper for subsequent consideration. He added, as a further objection against crediting the States for the duties on trade respectively collected by them, that a mutual jealousy of injuring their trade by being foremost in imposing such a duty would prevent any from making a beginning.

Mr. Williamson said, that Mr. Rutledge's motion at the same time that it removed some objections, introduced such as would be much more fatal to the measure. He was sensible of the necessity of some alterations, particularly in its duration & the appointment of the Collectors. But the crediting the States severally for the amount of their collections was so palpably unjust and injurious that he thought candor required that it should not be persisted in. He was of opinion that the interest of the States, which trade for others, also required it, since such an abuse of the advantage possessed by them would compel the States for which they trade to overcome the obstacles of nature & provide supplies for themselves. N. Carolina he said would probably be supplied pretty much thro' Virg^t, if the latter forbore to levy a tax on the former, but in case she did not forbear, the ports of N. C., which are nearly as deep as those of Holland, might and probably w^d be substituted. The profits drawn by the more commercial States from the business they carry on for the others, were of themselves sufficient and ought to satisfy them.

Mr. Ramsay differed entirely from his colleague (Mr. Rutledge). He thought that as the consumer pays the tax, the crediting the States collecting the impost, unjust. N. Carolina, Maryland, N. Jersey & Connecticut would suffer by such a regulation and would never agree to it.

Mr. Bland was equally agst the regulation. He thought it replete with injustice & repugnant to every idea of finance. He observed that this point had been fully canvassed at the time when the impost was originally recommended by Congress, & finally exploded. He was indeed he said opposed to the whole motion (of Mr. Rutledge). Nothing would be a secure pledge to Creditors that was not placed out of the controul of the grantors. As long as it was in the power of the States to repeal their grants in this respect, suspicions would prevail, & w^d prevent loans. Money ought to be appropriated by the States as it is by the Parliament of G. B. He proposed that the revenue to be Solicited from the States should be irrevocable by them without the consent of Congress, or of nine of the States. He disapproved of any determinate limitation to the continuance of the revenue, because the continuance of the debt could not be fixed and that was the only rule that could be proper or satisfactory. He said he should adhere to these ideas in the face of the Act of Virg^a repealing her assent to the impost; that it was trifling with Cong^a to enable them to contract debts, & to withhold from them the means of fulfilling their contracts.

Mr. Lee said he seconded the motion of Mr. Rutledge, because he thought it most likely to succeed; that he was persuaded the States would not concur in the impost on trade without a limitation of time affixed to it. With such a limitation and the right of collection, he thought Virg^a, R. Island & the other States probably w^d concur. The objection of his Colleague, (Mr. Bland) he conceived to be unfounded: No act of the States could be irrevocable, because if so called it might notwithstanding be repealed. But he thought there w^d be no danger of a repeal, observing that the national faith was all the security that was given in other countries, or that could be given. He was sensible that something was of necessity to be done in the present alarming crisis; and was willing to strike out the clause crediting the States for their respective collections of the revenue on trade, as it was supposed that it w^d impede the measure.

Mr. Hamilton disliked every plan that made but partial provision for the public debts; as an inconsistent and dishonorable departure from the declaration made by Cong^a on that subject. He said the

domestic Creditors would take the alarm at any distinctions unfavorable to their claims; that they would withhold their influence from any such measures recommended by Congress; and that it must be principally from their influence on their respective legislatures that success could be expected to any applications from Congress for a general revenue.

THURSDAY, 30 JAN^y

The answer to the Memorials from the Legislature of Penn^a was agreed to as it stands on the Journal, N. Jersey alone dissenting.

In the course of its discussion several expressions were struck out which seemed to reprehend the States for the deficiency of their contributions. In favor of these expressions it was urged that they were true and ought to be held forth as the cause of the public difficulties in justification of Congress. On the other side it was urged that Congress had in many respects been faulty as well as the States, particularly in letting their finances become so disordered before they began to apply any remedy; and that if this were not the case, it would be more prudent to address to the States a picture of the public distresses and danger, than a satire on their faults; since the latter would only irritate them; whereas the former w^d tend to lead them into the measures supposed by Congress to be essential to the public interest.

The propriety of mentioning to the Legislature of Penn^a the exped^t into which Congress had been driven of drawing bills on Spain and Holland without previous warrant; the disapp^t attending it, and the deductions ultimately ensuing from the aids destined to the U. S. by the C^t of France, was also a subject of discussion. On one side it was represented as a fact which being dishonorable to Congress ought not to be proclaimed by them, & that in the present case it c^d answer no purpose. On the other side it was contended that it was already known to all the world; that as a glaring proof of the public embarrassm^t it would impress the Legislature with the danger of making those separate appropriations which w^d increase the embarrassments; and particularly would explain in some degree the cause of the discontinuance of the French interest due on the loan office certificates.

Mr. Rutledge and some other members having expressed less solicitude about satisfying or soothing the Creditors within P^a through the legislature than others thought ought to be felt by every one, Mr. Wilson, adverting to it with some warmth, declared that if such indifference should prevail, he was little anxious what

became of the answer to the Memorials. Pen^a, he was persuaded would take her own measures without regard to those of Congress, and that she ought to do so. She was willing he said to sink or swim according to the common fate, but that she would not suffer herself, with a mill-stone of 6,000,000 ¹ of the Contin^l debt about her neck to go to the bottom alone.

FRIDAY, JAN^y 31.

The instructions to the V^a delegates from that State relative to tob^o exported to N. Y., under passport from the Sec^y of Congress was referred to a Committee. Mr. Fitzsimmons moved that the information received from s^d State of its inability to contribute more than ——— towards the requisitions of Congress, s^d be also committed. Mr. Bland saw no reason for such commitment. Mr. Ghoram was in fav^r of it. He thought such a resolution from V^a was of the most serious import; especially if compared with her withdrawal of her assent to the Impost. He said with much earnestness, that if one State should be connived at in such defaults others would think themselves entitled to a like indulgence. Mass^a, he was sure had a better title to it than V^a. He said the former had expended immense sums in recruiting her line, which composed almost the whole North^a Army; that 1,200,000 £ (dollar at 6s) had been laid out; & that without this sum the army would have been disbanded.

Mr. Fitzsimmons abetting the animadversions on Virg^a, took notice that of ——— Dollars req^d by Congress from her for the year 1782, she had paid the paltry sum only of 35,000 D^{rs} and was notwithstanding endeavouring to play off from further contributions.—The comitment took place without opposition.

The sub-committee, consisting of Mr. Madison, Mr. Carroll & Mr. Wilson had this morning a conference with the Superintend^t of Finance on the best mode of estimating the value of land through the U. S. The Superintend^t was no less puzzled on the subject than the Committee had been. He thought some essay ought to be made for executing the Confederation, if it s^d be practicable, & if not to let the impracticability appear to the States. He concurred with the sub-committee also in opinion that it would be improper to refer the valuation to the States, as mutual suspicions of partiality, if not a real partiality, would render the result a source of discontent; and that even if Cong^s should expressly reserve to themselves a right of revising

¹He supposed that sum due by the U. S. to Citizens of Penn^a, for loans. [Note in MS.]

& rejecting it, such a right could not be exercised without giving extreme offence to the suspected party. To guard ag^t these difficulties it was finally agreed, & the Sub-committee accordingly reported to the G Committee,

“That it is expedient to require of the Several States a return of all surveyed & granted land within each of them; and that in such returns the land be distinguished into occupied and unoccupied.

“That it also was expedient to appoint one Commiss^r for each State who should be empowered to proceed without loss of time into the several States; & to estimate the value of the lands therein according to the returns above mentioned, & to such instructions as should from time to time be given him for that purpose.”

This report was hurried in to the Grand Com^{tee} for two reasons; 1st, it was found that Mr. Rutledge, Mr. Bland, & several others relied so much on a valuation of land, and connected it so essentially with measures for restoring public credit that an extreme backwardness on their part affected all these measures, whilst the valuation of land was left out. A 2^d reason was that the Sub-Committee were afraid that suspicions might arise of intentional delay, in order to confine the attention of Cong^s to general funds as affording the only prospect of relief.

The Grand Committee for like reasons were equally impatient to make a report to Congress; and accordingly after a short consultation the question was taken whether the above report of the Sub-com^{tee}, or the report referred to them s^d be preferred. In favor of the 1st were Mr. Wilson, Mr. Carrol, Mr. Madison, Mr. Elmore, Mr. Hamilton. In favor of the 2^d were Mr. Arnold, Mr. Dyer, Mr. Hawkins, Mr. Ghorum, Mr. Rutledge and Mr. Gilman. So the latter was immediately handed in to Congress, & referred to a committee of the whole into which they immediately resolved themselves.

A motion was made by Mr. Bland, 2nd by Mr. Madison, that this report s^d be taken up in preference to the subject of general funds. Mr. Wilson opposed it as irregular and inconvenient to break in on an unfinished subject; and supposed that as some further experiment must be intended than merely a discussion of the subject in Congress, before the subject of gen^l funds would be seriously resumed, he thought it unadvisable to interrupt the latter.

Mr. Madison answered that the object was not to retard the latter business but to remove an obstacle to it; that as the two subjects were in some degree connected as means of restoring public credit, & inseparably connected in the minds of many members, it was

but reasonable to admit one as well as the other to a share of attention; that if a valuation of land s^d be found on mature deliberation to be as efficacious a remedy as was by some supposed, it w^d be proper at least to combine it with the other expedient, or perhaps to substitute it altogether; if the contrary should become apparent, its patrons w^d join the more cordially in the object of a general revenue.

Mr. Hamilton concurred in these ideas & wished the valuation of land to be taken up in order that its impracticability & futility might become manifest. The motion passed in the affirmative, & the report was taken up.

The phraseology was made more correct in several instances.

A motion was made by Mr. Boudinot 2^d^{ed} by Mr. Elsworth to strike out the clause requiring a return of "*the names of the owners,*" as well as the quantity of land. Mr. Elsworth also contended for a less specific return of the parcels of land. The objection ag^t the clause were that it would be extremely troublesome and equally useless. Mr. Bland thought these specific returns w^d be a check on frauds and the suspicion of them. Mr. Williamson was of the same opinion, as were also Mr. Lee, Mr. Ghorum, & Mr. Ramsay.¹ The motion was withdrawn by Mr. Boudinot.

SATURDAY AND MONDAY.

No Congress.

TUESDAY, FEBRUARY 4.

An indecent & tart remonstrance was re^d from Vermont ag^t the interposition of Cong^s in favor of the persons who had been banished & whose effects had been confiscated. A motion was made by Mr. Hamilton 2^d^{ed} by Mr. Dyer to commit it. Mr. Wolcott who had always patronized the case of Vermont wished to know the views of a committment. Mr. Hamilton said his view was to fulfill the resolution of Congress w^{ch} bound them to enforce the measure. Mr. Dyer s^d his was that so dishonorable a menace might be as quickly as possible renounced. He said Gen^l Washington was in favour of Vermont, that the principal people of N. England were all supporters of them, and that Congress ought to rectify the error into which they had been led, without longer exposing themselves to reproach on this subject. It was committed without dissent.

¹ Mr. Dyer ludicrously proposed as a proviso to the scheme of referring the valuation to the States, "that each of the States should cheat equally." [Note in MS.]

Mr. Wilson informed Congress that the Legislature of Pen^a having found the Ordinance of Cong^s erecting a Court for piracies so obscure in some points that they were at a loss to adapt their laws to it, had appointed a Com^e to confer with a Com^e of Congress. He accordingly moved in behalf of the P^a delegation that a Com^e might be app^d for that purpose. After some objections by Mr. Madison agst the impropriety of holding a communication with P^a through committees when the purpose might be as well answered by a Memorial or an instruction to its Delegates, a Com^e was app^d, consisting of Mr. Rutledge, Mr. Madison & Mr. Wilson.

The Report proposing a commutation for the half-pay due to the army, was taken up. On a motion to allow 5½ years whole pay in gross to be funded & bear interest, this being the rate taken from Dr. Price's calculation of annuities, N. H. was no, R. I. no, Con^t no, N. J., no, Virginia ay (Mr. Lee no) other States ay. So the question was lost.—5 years was then proposed, on which N. H. was no, R. I. no, C^t no, N. J. no. So there were but 6 ays, & the proposition was lost. Mr. Williamson proposed 5¼ & called for the yeas and nays. Messrs. Wolcot and Dyer observed that they were bound by instructions on this subject. Mr. Arnold said the case was the same with him. They also queried the validity of the Act of Cong^s which had stipulated half pay to the army, as it had passed before the Confederation, and by a vote of less than seven States. Mr. Madison s^d that he wished if the yeas & nays were called it might be on the true calculation, and not on an arbitrary principle of compromise, as the latter standing singly on the Journal w^d not express the true ideas of the yeas, and might even subject them to contrary interpretations. He s^d that the act was valid because it was decided according to the rule then in force, & that as the officers had served under the faith of it, justice fully corroborated it; & that he was astonished to hear these principles controverted. He was also astonished to hear objections agst a commutation come from States in compliance with whose objections agst the half pay itself this exped^t had been substituted. Mr. Wilson expressed his surprise also that instructions s^d be given which militated agst the most peremptory & lawful engagements of Cong^s, and said that if such a doctrine prevailed the authority of the Confederacy was at an end. Mr. Arnold said that he wished the report might not be decided on at this time, that the Assembly of R. I. was in session & he hoped to receive their further advice. Mr. Bland enforced the ideas of Mr. Madison & Mr. Wilson.—Mr. Gilman thought it w^d be best to

refer the subject of $\frac{1}{2}$ pay to the several States to be settled between them & their respective lines. By general consent the Report lay over.

Mr. Lee communicated to Congress a letter he had received from Mr. Samuel Adams dated Boston Dec^r 22, 1782, introducing Mr. ——— from Canada, as a person capable of giving intelligence relative to affairs in Canada & the practicability of uniting that Province with the confederated States. The letter was committed.

In Com^e of the whole on the Report concerning a valuation of the lands of the U. States—

A motion was made by Mr. Rutledge w^{ch} took the sense of Cong^s on this question whether the rule of apportionment to be grounded on the proposed valuation s^d continue in force until revoked by Cong^s, or a period be now fixed beyond which it s^d not continue in force. The importance of the distinction lay in the necessity of having seven votes on every act of Cong^s. The Eastern States were generally for the latter, supposing that the Southern States being impoverished by the recent havoc of the enemy would be underrated in the first valuation. The Southern States were for the same reason interested in favor of the former. On the question there were 6 ays only, which produced a dispute whether in a Committee of the whole a majority w^d decide, or whether 7 votes were necessary.

In favor of the first rule it was contended by Mr. Ghorum & others, that in Committees of Congress the rule always is that a majority decides.

In fav^r of the latter it was contended that if the rule of other committees applies to a com^e of the whole, the vote s^d be individual per capita, as well as by a majority, that in other deliberative assemblies, the rules of *voting* were not varied in Comm^es of the whole, and that it w^d be inconvenient in practice to report to Cong^s as the sense of the body, a measure approved by 4 or 5 States, since there could be no reason to hope that in the same body in a different form 7 States w^d approve it, and consequently a waste of time would be the result.

Com^e rose and Con^s Adjourned.

WEDNESDAY FEBR^y 5 AND THURSDAY, FEB^r 6.

In order to decide the rule of voting in a Com^e of the whole, before Cong^s should go into the said Com^e, Mr. Bland moved that the rule s^d be to vote by States, & *the majority of States in Com^e to decide*. Mr. Wilson moved to postpone Mr. B^s motion in order to resolve that

the rule be to vote by States and according to the same rules which govern Congress; as this gen^l question was connected in the minds of members with the particular question to which it was to be immediately applied. The motion for postponing was negatived, chiefly by the Eastern States. A division of the question on Mr. Bland's motion was then called for & the first part was agreed to as on the Journal. The latter clause, to wit, a majority to decide, was negatived; so nothing as to the main point was determined. In this uncertainty Mr. Osgood proposed that Cong^s should resolve itself into a Com^s of the whole. Mr. Carroll as chairman observed that as the same difficulty would occur, he wished Cong^s would previously direct him how to proceed. Mr. Hamilton proposed that the latter clause of Mr. Bland's motion sh^d be reconsidered and agreed to, wrong as it was, rather than have no rule at all. In opposition to which it was s^d that there was no more reason why one & that not the minor side s^d wholly yield to the inflexibility of the other than vice versa; and that if they s^d be willing to yield on the present occasion, it w^d be better to do it tacitly, than to saddle themselves with an express and perpetual rule which they judged improper. This expedient was assented to and Congress accordingly went into

A Committee of the Whole.

The points arising on the several amendm^{ts} proposed were 1st the period beyond w^{ch} the rule of the first valuation s^d not be in force, on this point Mr. Collins proposed 5 years, Mr. Bland 10 years, Mr. Boudinot 7 years, N. Jersey hav^e instructed her Delegates thereon. The Con^t delegates proposed 3 years. On the question for 3 years, N. H. no, Mas. no, R. I. ay, Con^t ay, all the other States no. On the question for 5 years, all the States ay except Con^t

The 2^d point was whether & how far the rule s^d be retrospective. On this point the same views operated as on the preceding. Some were ag^{ts} any retrospection, others for extending it to the whole debt, and others for extend^s it so far as was necessary for liquidating and closing the accounts between the United States and each individual State.

~~This was generally satisfactory, except to Mr. Dyer and Mr. Mercer, who supposed that as in that case the requisitions of Congress would be the sum apportioned it would operate too much in favor of the states which would be underrated in the first valuation.~~

The several motions expressive of these different ideas were at length withdrawn, with a view that the point might be better digested,

& more accurately brought before Congress. So the rep^t was agreed to in the Com^s & made to Congress. When the question was about to be put Mr. Madison observed that the report lay in a great degree of confusion, that several points had been decided in a way too vague & indirect to ascertain the real sense of Cong^s, that other points involved in the subject had not rec^d any decision; and proposed the sense of Cong^s sho^d be distinctly & successively taken on all of them & the result referred to a special Com^s to be digested &c. The question was however put & negatived the votes being as they appear on the Journal. The reasons on which Mr. Hamilton's motion was grounded appear from its preamble.

FRIDAY, FEB^r 7.

On motion of Mr. Lee who had been absent when the Report was yesterday negatived, the matter was reconsidered. The plan of taking the sense of Cong^s on the several points as yesterday proposed by Mr. Madison, was generally admitted as proper.

The first question prop^d in Com^s of the whole by Mr. Madison, was: Q: Shall a valuation of land within the U. S. as directed by the Articles of confederation be immediately attempted?—8 ayes N. Y. only no. The States present were N. H., Mas., Con^t, N. Y., N. J., P^a, V^a, N. C., S. C., R. I. 1 member, Mar^d 1 d^e

By Mr. Wilson.

Q. Shall each State be called on to return to the U. S. in Cong^s ass^d the n^o of aeres granted to or surveyed for any person, and also the n^o of buildings within it? 8 ayes—N. C. no—supposing this not to accord with the plan of referring the valuation to the States, which was patronized by that Delegation. A supplement to this question was suggested as follows.

Q. Shall the male inhabitants be also returned, the blacks and whites being therein distinguished? ay, N. C. no for the same reason as above. Con^t divided.

By Mr. Madison.

Q. Shall the States be called on to return to Cong^s an estimate of the value of its lands with the buildings and improvements within each respectively? After some discussion on this point in wh^{ch} the inequalities which w^d result from such estimates were set forth at large; and effects of such an experiment in Virg^a had been described by Mr. Mereer, and a comparison of an average valuation in P^a & V^a which amounted in the latter to 50 PC^t more than in the former,

altho' the real value of land in the former was confessedly thrice that of the latter had been quoted by Mr. Madison, the apprehensions from a reference of any thing more to the States than a report of simple facts increased, and on the vote the States were as follows: N. H., Mas., N. J., Pa., V^a no Mr. Bland ay Mr. Lee silent Con^t: N. C., S. C. ay, N. Y. div^d: so it passed in the negative.

By Mr. Madison,

Q. Shall a period be now fixed beyond which the rule to be eventually estab^d by Cong^s shall not be in force? ay, unanimously.

By Mr. Madison,

Q. What shall that period be? Con^t was again for 3 years, which being neg^d 5 y^{rs} passed unanimously.

By Mr. Madison,

Q. Shall the rule so to be estab^d have retrospective operation so far as may be necessary for liquidating & closing the acct^s between the U. S. & each particular State? Ay—Con^t no. Mr. Dyer & Mr. Mercer understood this as making the am^t of the several requisitions of Cong^s, and not of the paym^{ts} by the States, the standard by which the acct^s were to be liquidated and thought the latter the just quantum for retrospective apportionment. Their reasoning however was not fully comprehended.

SATURDAY, FEB^y 8.

Com^s of the Whole.

Mr. Mercer revived the subject of retrospective operation; and after it had been much discussed & the difference elucidated w^{ch} might happen between apportion^s, according to the first valuation which s^d be made, merely the sums paid on the requisitions of Cong^s, & apportion^s the whole requisitions, consisting of the sums paid & the deficiencies, which might not be p^d until some distant day, when a different rule formed under different circumstances of the States s^d be in force, the assent to the last question put yesterday was reversed, & there was added to the preceding question, after "5 years,"—"and shall operate as a rule for apportioning the sums necessary to be raised for supporting the public credit & other contingent expences & for adjusting all accounts between the U. States & each particular State for monies paid or articles furnished by them & for no other purpose whatsoever." On this question there were 6 ays—so it became a vote of the Com^s of the whole.

MONDAY, FEB^r 10.

For the Report of the committee on the Resolutions of V^a, concerning the contract under which Tob^o was to be exported to N. Y. and the admission of circumstantial proof of acc^ts ag^t the U. S., when legal vouchers had been destroyed by the enemy. See the Journal of this date.

Mr. Mercer informed Congress that this matter had made much noise in V^a; that she had assented to the export of the first quantity, merely out of respect to Cong^s, and under an idea that her rights of Sovereignty had been encroached upon; and that, as a *further quantity* had been exported *without the license of the State*, the question was unavoidable, whether the authority of Cong^s extended to the act. He wished therefore that Congress w^d proceed to decide this question.

Mr. Fitzsimmons in behalf of the Committee, observed that they went no farther than to examine whether the proceedings of the officers of Cong^s were conformable to the Resol^{ns} of Cong^s & not whether the latter were within the power of Cong^s.

Mr. Lee s^d the Rep^t did not touch the point that the additional quantity had been exported without application to the State, altho' the first quantity was licensed by the State with great reluctance, in consequence of the request of Cong^s, and of assurances ag^t a repetition, and that the Superintend^t & Sec^r of Cong^s ought at any rate to have made application to the Executive before they proceeded to further exportations.

Mr. Rutledge s^d the Rep^t went to the very point, that V^a suspected the Resol^{ns} of Cong^s had been abused by the officers of Cong^s, & the Rep^t shewed that no such abuse had taken place; that if this information was not satisfactory, and the State s^d contest the right of Cong^s in the case, it w^d then be proper to answer it on that point, but not before. He s^d, if the gentleman (Mr. Lee) meant that the Com^e authorised by Cong^s on the — day of — to make explanations on this subject to the Legislature of V^a had given the assurances he mentioned, he must be mistaken; for none such had been given. He had he s^d formed notes of his remarks to the Leg^t but accord^g to his practice had destroyed them after the occasion was over, and therefore c^d only assert this from Memory; that nevertheless his memory enabled him to do it with certainty.

Mr. Lee, in explanation s^d he did not mean the Com^e; that the abuse complained of was not that the Resolu^{ns} of Cong^s had been exceeded, but that the export had been undertaken without the Sanc-

tion of the State. If the acts were repeated, he said, great offence w^d be given to V^s.

The Report was ag^d to as far as the Tob^s was concerned without a dissenting voice, Mr. Lee uttering a *no*, but not loud enough to be heard by Congress or the chair. The Part relating to the loss of Vouchers was unanimously ag^d to.

Com^s of the Whole.

The Rep^t for valuation of land amended by insertion of “distinguishing dwelling houses from others.”

The Com^s adjourned and the report was made to Cong^s

Mr. Lee & Mr. Jarvais moved that the Report might be postponed to adopt another plan to wit “to call on the States to return a valuation; and to provide that in case any return s^d be not satisfactory to all parties, persons s^d be app^d by Cong^s and others by the States respectively to adjust the case finally.”—On this question N. H. was div^d; Mas, no, R. I., ay: Con^t, no, N. Y. div^d, N. J., no, P^s, no, V^s, no, Mr. Madison & Mr. Jones, no;—Mr. Lee & Mr. Bland, ay, N. C. ay, S. C. ay, so the motion failed.

TUESDAY, FEBY^y 11.

The Rep^t made by the Com^s of the whole havg. decided that the mode to be grounded on the return of facts called for from the States ought now to be ascertained.

Mr. Rutledge proposed 2^d by Mr. Gilman, that the States s^d be required to name Com^s, each of them one, who or any nine of them s^d be app^d and empower^d by Cong^s to settle the valuation. Mr. Ghoram was ag^s it as parting with a power which might be turned by the States ag^s Cong^s. Mr. Wolcot ag^s it; declares his opinion that the Confederation ought to be amended by substituting numbers of inhabitants as the rule; admits the difference between free men & blacks; and suggests a compromise by including in the numeration such blacks only as were within 16 & 60 years of age. Mr. Wilson was ag^s relinquishing such a power to the States, proposes that the commissioners be app^d by Cong^s, and their proceedings subject to the ratification of Cong^s. Mr. Mercer was for submitting them to the revision of Cong^s, & this amendment was rec^d. Mr. Peters ag^s the whole scheme of valuation, as holding out false lights & hopes to the public. Mr. Rutledge thinks Com^s app^d by the States may be trusted as well as Com^s app^d by Cong^s, or as Cong^s themselves. Mr. Wilson observes, that if app^d by the States they will bring with

them the spirit of agents for their respective States—if app^d by Cong^s will consider themselves as servants of the U. S. at large & be more impartial.

Mr. Ghorum, 2^d^d by Mr. Wilson, proposes to postpone in order to require the States to app^t Com^s, to give Cong^s information for a basis for a valuation.—On the question N. H. no, Mas: ay, R. I. ay, Con^t ay, N. Y. ay, N. J. ay, P^a ay, V^a no, N. C. no, S. C. no, so it was decided in the negative.

To make the resolution more clear, after the words “or any nine of them,” the words “concurring therein” were added. Mr. Rutledge says that subjecting the acts of the Com^s to the revision of Cong^s had so varied his plan that he s^d be agst it.—On the main question N. H. ay, Mas: ay, R. I. ay, Con^t ay, N. Y. no, N. J. no, P^a ay, V^a ay (Mr. Madison no), N. C. ay, S. C. ay, so it was agreed to & the resolution declaring that a mode s^d now be fixed struck out as executed. The whole report was then committed to a special Com^s consisting of Mr. Rutledge Mr. Gorham & Mr. Gilman to be formed into a proper act.

WEDNESDAY, FEB^y 12.

The declaration of Cong^s as to Gen^l Funds, passed as of Jan^y. 29, appears on the Journals; and Congress resolved itself into a Com^s of the whole in order to consider the funds to be adopted & recommended to the States. On motion of Mr. Mifflin the impost of 5 Per C^t was taken into consideration. As it seemed to be the general opinion that some variations from the form in which it had been first recommended w^d be necessary for reconciling the objecting States to it, it was proposed that the sense of the Com^s should be taken on that head. The following questions were accordingly propounded:

Qu. 1. Is it expedient to alter the impost as recommended on the ——— day of ———, 1781?

Mr. Lee said the States particularly Virg^a w^d never concur in the measure unless the term of years were limited, the collection left to the States, & the appropriation annually laid before them.

Mr. Wolcot thought the revenue ought to be commensurate in point of time as well as amount to the debt; that there was no danger in trusting Cong^s, considering the responsible mode of its app^t and that to alter the plan w^d be a mere condescension to the prejudices of the States.

Mr. Ghorum favored the alteration for the same reason as Mr. Lee. He said private letters informed him that the opposition to the impost

law was gaining ground in Mass^{ts}, and the repeal of Virg^a would be very likely to give that opposition an ascendancy. He said our measures must be accommodated to the sentiments of the States whether just or unreasonable.

Mr. Hamilton dissented from the particular alterations suggested, but did not mean to negative the question.

Mr. Bland was for conforming to the ideas of the States as far as w^d in any manner consist with the object.

On the Question the affirmative was unanimous excepting the voice of Mr. Wolcott.

Qu. 2^d. Shall the term of duration be limited to 25 years?

Mr. Mercer professed a decided opposition to the principle of general revenue, observed that the liberties of Eng^d had been preserved by a separation of the purse from the sword; that untill the debts s^d be liquidated and apportioned he never w^d assent in Cong^s or elsewhere to the scheme of the Impost.

Mr. Bland proposed an alternative of 25 years, or until the requisitions of Cong^s, according to the Articles of Confedⁿ, shall be found adequate. On this proposition the votes were of N. H. div^d, R. I. no, Con^t no, N. Y. no N. J. no, P^a no, Virg^a ay, N. C. div^d; S. C. ay, so the proposition was not agreed.

On the main question for 25 years it was voted in the affirmative.

Q. 3. Shall the appointm^t of Collectors be left to the States, they to be amenable to & under the controul of Cong^s?—ay; several States as N. Y. and P^a dissenting.

THURSDAY, FEB^r 13TH.

The Com^s report to Cong^s the alterations yesterday agreed on with respect to the 5 Per C^t Impost.

The Deputy Sec^r at War reported to Congress the result of the inquiry directed by them on the [24th] day of [January,] into the seizure of goods destined for the British Prisoners of war under passport from Gen^l Washington. From this report it appeared that some of the Seizors had pursued their claim under the law of the State & that in consequence the goods had been condemned & ordered for sale. The papers were referred to a Com^s consisting of Mr. Rutledge, Mr. Ghorum & Mr. Leo, who after hav^g retired for a few moments reported, that the Sec^r at War should be authorised & directed to cause the goods to be taken from the places where they had been deposited, to employ such force as w^d be sufficient,

and that the Duke de Lauzun whose Legion was in the neighbourhood, should be requested to give the Sec^y such aid as he might apply for.

This report was generally regarded by Cong^s as intemperate, and the proposed recourse to the French Legion as flagrantly imprudent. Mr. Hamilton said that if the object had been to embroil this country wth their Allies the expedient would have been well conceived.¹ He added that the exertion of force would not under these circumstances meet the sense of the people at large. Mr. Ghoram s^d he denied this with respect to the people of Massachusetts.

Mr. Lee on the part of the Com^s said that the D. de Lauzun had been recurred to as being in the neighbourhood & having cavalry under his command which would best answer the occasion; and that the report was founded on wise & proper considerations.

Mr. Mercer, Mr. Williamson, Mr. Ramsay, Mr. Wilson & Mr. Madison, strenuously opposed the report, as improper altogether as far as it related to the French Legion, and in other respects so until the State of P^a s^d on a summons refuse to restore the articles seized.

Mr. Rutledge with equal warmth contends for the expediency of the measures reported.

Mr. Mercer & Mr. Madison at length proposed that Congress s^d assert the right on this subject & summon the State of Pen^a to redress the wrong immediately. The Report was recommitted with this proposition & Mr. Wilson & Mr. Mercer added to the Com^s.

The speech of the K. of G. B. on the 5th Dec^r, 1782, arrived & produced great joy in general, except among the merch^{ts} who had great quantities of merchandize in store, the price of which immediately & materially fell. The most judicious members of Cong^s however suffered a great diminution of their joy from the impossibility of discharging the arrears & claims of the army & their apprehension of new difficulties from that quarter.

FRIDAY FEB^y 14.

Mr. Jones Mr. Rutledge & Mr. Wilson to whom had been referred on Tuesday last a letter from Mr. Jefferson stating the obstacles to his voyage, reported that they had conferred with the Agent of Marine who s^d there was a fit vessel ready for sea in this port but was of opinion the arrival of the British King's Speech would put a stop to the sailing of any vessels from the ports of America untill some-

¹ This was an oblique allusion to Mr. Lee, whose enmity to the French was suspected by him &c. [Note in MS.]

thing definitive should take place; and that if Congress judged fit that Mr. Jefferson sh^d proceed immediately to Europe it would be best to apply to the French Minister for one of the Frigates in the Chesapeake. The general opinion of Cong^s seemed to be that under present circumstances he sh^d suspend his voyage until the further orders of Cong^s; and on motion of Mr. Ghoram, seconded by Mr. Wolcot the Sec^y of Foreign Affairs was accordingly without opposition directed to make this known to Mr. Jefferson.

The Report of the Com^t for obtaining a valuation of land was made & considered. See the Journal of this date.

MONDAY FEB^y 17.

The report respecting a valuation of land being lost as appears from the Journal, it was revived by the motion of Mr. Dyer seconded by Mr. Mercer as it stands, the appointment of Commiss^{rs} by Cong^s for adjusting the quotas, being changed for a grand Committee consisting of a delegate present from each State, for that purpose.

A motion was made to strike out the clause requiring the concurrence of nine voices in the report to Congress; and on the question, shall the words stand? the States being equally divided the clause was expunged. It was thereafter reconsidered & re-inserted.

The whole report was agreed to with great reluctance by almost all, by many from a spirit of accommodation only, & the necessity of doing something on the subject. Some of those who were in the negative particularly Mr. Madison, thought the plan not within the spirit of the Confederation, that it would be ineffectual, and that the States would be dissatisfied with it.

A motion was made by Mr. Hamilton 2^dd by Mr. Fitzsimmons to renew the recommendation of the — Feb^y, 1782, for vesting Congress with power to make abatements in favor of States parts of which had been in possession of the Enemy. It was referred to a committee.

TUESDAY, FEB^y 18.

Com^t of the whole on the subject of gen^l funds.

Mr. Rutledge & Mr. Mercer proposed that the Impost of 5 Per C^t as altered & to be recommended to the States, should be appropriated exclusively, first to the interest of the debt to the army & then in case of surplus to the principal. Mr. Rutledge urged in support of this motion that it would be best to appropriate this fund to the army as the most likely to be obtained as their merits

were superior to those of all other Creditors, and as it was the only thing that promised what policy absolutely required, some satisfaction to them.

Mr. Wilson replied that he was so sensible of the merits of the army that if any discrimination were to be made among the public creditors, he should not deny them perhaps a preference, but that no such discrimination was necessary; that the ability of the public was equal to its whole debt, and that before it be split into different descriptions the most vigorous efforts ought to be made to provide for it entire. That we ought first at least to see what funds could be provided, to see how far they would be deficient, and then, in the last necessity only to admit discriminations.

Mr. Ghorum agreed with Mr. Wilson. He said an exclusive appropriation to the army would in some places be unpopular and would prevent a compliance of those States whose Citizens were the greatest Creditors of the United States; since without the influence of the public creditors, the measure could never be carried through the States, and these if excluded from the appropriation would be even interested in frustrating the measure & keeping by that means their cause a common one with the army.

Mr. Mercer applauded the wisdom of the Confederation in leaving the provision of money to the States, said that when this plan was deviated from by Congress, their objects should be such as were best known & most approved; that the States were jealous of one another, & w^d not comply unless they were fully acquainted with and approved the purpose to which their money was to be applied, that nothing less than such a preference of the army would conciliate them, that no civil creditor would dare to put his claims on a level with those of the army, and insinuated that the speculations which had taken place in loan office certificates might lead to a revision of that subject on principles of equity, that if too much were asked from the States they would grant nothing. He said that it had been alledged, that the large public debt if funded under Congress would be a cement of the Confederacy. He thought on the contrary it would hasten its dissolution; as the people would feel its weight in the most obnoxious of all forms that of taxation.

On the question the States were all no except S. Carolina, which was ay.¹

¹ Virg^s—Mr. Jones, Mr. Madison, Mr. Bland, no; Mr. Lee, Mr. Mercer, ay. [Note in MS.]

A motion was made by Mr. Rutledge, 2^d^{ed} by Mr. Bland to change the plan of the impost in such a manner as that a tariff might be formed for all articles that would admit of it, and that a duty ad valorem s^d be collected only on such articles as would not admit of it.

In support of such an alteration it was urged that it would lessen the opportunity of collusion between collector & importer & would be more equal among the States. On the other side it was alledged that the States had not objected to that part of the plan, and a change might produce objections; that the nature & variety of imports would require necessarily the collection to be advalorem on the greater part of them; that the forming of a book of rates w^d be attended with great difficulties & delays, and that it would be in the power of Congress by raising the rate of the article to augment the duty beyond the limitation of 5 per c^t, and that this consideration would excite objections on the part of the States—The motion was negatived—

A motion was made by M^r Hamilton 2^d^{ed} by M^r Wilson; that whereas Congress were desirous that the motives & views of their measures s^d be known to their constituents in all cases where the public safety w^d admit, that when the subject of finances was under debate the doors of Cong^s s^d be open. Cong^s adjourned it being the usual hour & the motion being generally disrelished—The P^r delegates said privately that they had brought themselves into a critical situation by dissuading their Constituents from separate provision for creditors of U. S. within Pen^s hoping that Cong^s w^d adopt a general provision, & they wished their constituents to see the prospect themselves & to witness the conduct of their Delegates. Perhaps the true reason was that it was expected the presence of public creditors numerous & weighty in Phila^{da} w^d have an influence & that it w^d be well for the public to come more fully to the knowledge of the public finances.

Letter rec^d from W^m Lee at Ghent notifying the desire of the Emperor [of Austria] to form a commercial treaty with the U. S., & to have a resid^t from them. Com^d to M^r Izard, Ghorum & Wilson.

WEDNESDAY, FEBRUARY 19.

The motion made yesterday by Mr. Hamilton for opening the doors of Congress when the subject of finances should be under debate was negatived, Penn^s alone being ay.

A motion was made by Mr. Hamilton seconded by Mr. Bland to postpone the clause of the report made by Com^s of the whole, for

altering the Impost, viz. the clause limiting its duration to 25 years, in order to substitute a proposition declaring it to be inexpedient to limit the period of its duration; first because it ought to be commensurate to the duration of the debt, 2^{dly} because it was improper in the present stage of the business, and all the limitation of which it w^d admit had been defined in the resolutions of ———, 1782.

Mr. Hamilton said in support of his motion that it was in vain to attempt to gain the concurrence of the States by removing the objections publicly assigned by them against the Impost, that these were the ostensible & not the true objections; that the true objection on the part of R. I. was the interference of the impost with the opportunity afforded by their situation of levying contributions on Con^t, &c, which rec^d foreign supplies through the ports of R. I.; that the true objection on the part of V^a was her having little share in the debts due from the U. S. to which the impost would be applied; that a removal of the avowed objections would not therefore remove the obstructions whilst it would admit on the part of Cong^s that their first recommendation went beyond the absolute exigencies of the public; that Cong^s having taken a proper ground at first, ought to maintain it till time should convince the States of the propriety of the measure.

Mr. Bland said that as the debt had been contracted by Congress with the concurrence of the States, and Cong^s was looked to for payment by the public creditors, it was justifiable & requisite in them to pursue such means as would be adequate to the discharge of the debt; & that the means would not be adequate if limited in duration to a period within which no calculations had shewn that the debt w^d be discharged.

On the motion the States were N. Hampshire divided, Mas^s no, R. Island ay, Con^t div^d, N. York, ay, N. Jersey ay, Pen^a ay, Virg^a no (Mr. Bland ay), N. Carolina ay, S. Carolina, ay. Mr. Rutledge said he voted for postponing not in order to agree to Mr. Hamilton's motion but to move & he accordingly renewed the motion made in Com^s of the whole, viz that the Impost should be appropriated exclusively to the army. This motion was seconded by Mr. Lee.

Mr. Hamilton opposed the motion strenuously, declared that as a friend to the army as well as to the other Creditors & to the public at large he could never assent to such a partial dispensation of Justice; that the different States being differently attached to different branches of the public debt would never concur in establish^g

a fund w^{ch} was not extended to every branch; that it was impolitic to divide the interests of the civil & military Creditors, whose joint efforts in the States would be necessary to prevail on them to adopt a general revenue.

Mr. Mercer favored the measure as necessary to satisfy the army & to avert the consequences which would result from their disappointment on this subject; he pronounced that the army would not disband until satisfactory provision should be made, & that this was the only attainable provision; But he reprobated the doctrine of a permanent debt supported by a general & permanent revenue & said that it would be good policy to separate instead of cementing the interests of the Army & the other public creditors, insinuating that the claims of the latter were not supported by justice & that the loan office certificates ought to be revised.

Mr. Fitzsimmons observed that it was unnecessary to make a separate appropriation of the Impost to one particular debt, since if other funds s^d be superadded, there would be more simplicity & equal propriety in an aggregate fund for the aggregate debt funded; and that if no other funds should be superadded it w^d be unjust & impolitic; that the States whose Citizens were the chief creditors of the U. S. w^d never concur in such measure; that the mercantile interest which comprehended the chief Creditors of Penn^a had by their influence obtained the prompt & full concurrence of that State in the Impost, and if that influence were excluded the State would repeal its law. He concurred with those who hoped the army w^d not disband unless provision s^d be made for doing them justice.

Mr. Lee contended that as every body felt and acknowledged the force of the demands of the army, an appropriation of the Impost to them w^d recommend it to all the States; that distinct & specific appropriations of distinct revenues was the only true System of finance, and was the practice of all other nations who were enlightened on this subject; that the army had not only more merit than the mercantile creditors; but that the latter would be more able on a return of peace to return to the business which would support them.

Mr. Madison said that if other funds were to be superadded as the Gentleman (Mr. Rutledge) who made the motion admitted, it was at least premature to make the appropriation in question; that it w^d be best to wait till all the funds were agreed upon & then appropriate them respectively to those debts to which they

s^d be best fitted; that it was probable the impost would be judged best adapted to the foreign debt, as the foreign Creditors could not like the domestic ever recur to particular States for separate payments, and that as this w^d be a revenue little felt it would be prudent to assign it to those for whom the States w^d care least, leaving more obnoxious revenues for those Creditors who w^d excite the Sympathy of their Countrymen and c^d stimulate them to do justice.

Mr. Williamson was ag^t the motion; said he did not wish the army to disband until proper provision should be made for them; that if force s^d be necessary to excite justice, the sooner force were applied the better.

Mr. Wilson was against the motion of Mr. Rutledge; observed that no instance occurred in the British history of finance in which distinct appropriations had been made to distinct debts *already* contracted; that a consolidation of funds had been the result of experience; that an aggregate fund was more simple & would be most convenient; that the interest of the whole funded debt ought to be paid before the principal of any part of it; and therefore in case of surplus of the impost beyond the interest of the army debt, it ought at any rate to be applied to the interest of the other debts, and not, as the motion proposed, to the principal of the army debt. He was fully of opinion that such a motion would defeat itself, that by dividing the interest of the civil from that of the military Creditors the provision for the latter would be frustrated.

On the question on Mr. Rutledge's motion the States were, N. H. no, Mass. no, Con^t no, N. J. no, Virg^a no, (Mr. Lee & Mr. Mercer ay) N. C. no, S. Carolina, ay.

On the ~~motion of Mr. Hamilton to substitute an indefinite term in place of 25 years the States in favor of 25 years were N. H., Mas., Pa. Mr. Fitzsimmons and Wilson no, Virg^a Mr. Bland no, N. C. and S. Carolina. The States ag^t the limitation, N. Y. and N. J. The States divided, Con^t clause reported by the Com^s of the whole in favor of limiting the impost to 25 years, the States were N. H. ay, Mas. ay, Con^t div^d (Mr. Dyer ay, Mr. Wolcott no), N. Y. no, N. J. no, P^a ay (Mr. Wilson and Mr. Fitzsimmons no), V^a ay (Mr. Bland no), N. Carolina ay, S. Carolina ay, so the question was lost.~~

On the question whether the appointment of Collectors of the Impost shall be left to the States, the Collectors to be under the controul of, & be amenable to Cong^s, there were 7 ays, N. Y. & Pen^a being no & N. J. divided.

THURSDAY, FEB^r 20, 1783.

The motion for limiting the impost to 25 years having been yesterday lost, and some of the gentlemen who were in the negative desponding of an indefinite grant of it from the States, the motion was reconsidered.

Mr. Wolcot & Mr. Hamilton repeat the inadequacy of a definite term. Mr. Ramsay & Mr. Williamson repeat the improbability of an indefinite term being acceded to by the States, & the expediency of preferring a limited impost to a failure of it altogether.

Mr. Mercer was against the impost altogether but would confine his opposition within Congress: He was in favor of the limitation as an alleviation of the evil.

Mr. Fitzsimmons animadverted on Mr. Mercer's insinuation yesterday touching the loan-office Creditors, & the policy of dividing them from the military Creditors; reprobated every measure which contravened the principles of justice & public faith; and asked whether it were likely that Mas: & Pa, to whose Citizens $\frac{1}{2}$ the loan office debt was owing would concur with Virg^a, whose Citizens had lent but little more than three hundred thousand dollars, in any plan that did not provide for that in common with other debts of the U. S. He was against a limitation to 25 years.

Mr. Lee wished to know whether by Loan office Creditors were meant the original subscribers or the present holders of the certificates, as the force of their demands may be affected by this consideration.

Mr. Fitzsimmons saw the scope of the question, and said that if another scale of depreciation was seriously in view he wished it to come out, that every one might know the course proper to be taken.

Mr. Ghorum followed the Sentiments of the Gentleman who last spoke, expressed his astonishment that a Gentleman (Mr. Lee) who had enjoyed such opportunities of observing the nature of public credit, should advance such doctrines as were fatal to it. He said it was time that this point s^d be explained, that if the former scale for the loan office certificates was to be revised and reduced as one member from Virg^a (Mr. Mercer) contended, or a further scale to be made out for subsequent depreciation of Certificates, as seemed to be the idea of the other member, (Mr. Lee,) the restoration of public credit was not only visionary but the concurrence of the States in any arrangement whatever was not to be expected. He was in favor of the limitation as necessary to overcome the objections of the States.

Mr. Mercer professed his attachment to the principles of justice but declared that he thought the scale by which the loans had been valued unjust to the public & that it ought to be revised & reduced.

On the question for the period of 25 years it was decided in the affirmative seven States being in favor of it; N. Jersey & N. York only being no.

Mr. Mercer called the attention of Congress to the case of the goods seized under a law of Pen^a, on which the Com^s had not yet reported, and wished that Cong^s would come to some resolution declaratory of their rights & which would lead to an effectual interposition on the part of the Legislature of Pen^a. After much conversation on the subject, in which the members were somewhat divided as to the degree of peremptoriness with which the State of P^a should be called on, the Resolution on the Journal was finally adopted; having been drawn up by the Sec^y, & put into the hands of a member.

The Resolution passed without any dissent.¹

(The evening of this day was spent at Mr. Fitzsimmons' by Mr. Ghorum, Mr. Hamilton, Mr. Peters, Mr. Carrol, & Mr. Madison. The conversation turned on the subject of revenue under the consideration of Congress, and on the situation of the army. The conversation on the first subject ended in a general concurrence (Mr. Hamilton excepted) in the impossibility of adding to the impost on trade any taxes that w^d operate equally throughout the States, or be adopted by them. On the second subject Mr. Hamilton & Mr. Peters who had the best knowledge of the temper, transactions & views of the army, informed the company that it was certain that the army had secretly determined not to lay down their arms until due provision & a satisfactory prospect should be afforded on the subject of their pay; that there was reason to expect that a public declaration to this effect would soon be made; that plans had been agitated if not formed for subsisting themselves after such declaration; that as a proof of their earnestness on this subject the Com^{and}er was already become extremely unpopular among almost all ranks from his known dislike to every unlawful proceeding, that this unpopularity was daily increasing & industriously promoted

¹ The result proved that mildness was the soundest policy. The Legislature in consequence having declared the law under which the goods were seized to be void as contradictory to the federal Constitution. Some of the members in Conversation s^d that if Congress had declared the law to be void, the displeasure of the Legislature might possibly have produced a different issue. [Note in MS.]

by many leading characters; that his choice of unfit & indiscreet persons into his family was the pretext and with some a real motive; but the substantial one a desire to displace him from the respect & confidence of the army in order to substitute Genl [erased and illegible] as the conductor of their efforts to obtain justice. Mr. Hamilton said that he knew Genl Washington intimately & perfectly, that his extreme reserve, mixed sometimes with a degree of asperity of temper, both of which were said to have increased of late, had contributed to the decline of his popularity; but that his virtue his patriotism and his firmness would it might be depended upon never yield to any dishonorable or disloyal plans into which he might be called; that he would sooner suffer himself to be cut into pieces; that he, (Mr. Hamilton) knowing this to be his true character, wished him to be the conductor of the army in their plans for redress, in order that they might be moderated & directed to proper objects, & exclude some other leader who might foment & misguide their councils; that with this view he had taken the liberty to write to the Genl on this subject and to recommend such a policy to him.)

FRIDAY, FEB^r 21.

Mr. Mercer made some remarks tending to a re-consideration of the act declaring general funds to be necessary, which revived the discussion of that subject.

Mr. Madison said that he had observed throughout the proceedings of Congress relative to the establishment of such funds that the power delegated to Congress by the Confederation had been very differently construed by different members & that this difference of construction had materially affected their reasonings & opinions on the several propositions which had been made; that in particular it had been represented by sundry members that Congress was merely an Executive body; and therefore that it was inconsistent with the principles of liberty & the spirit of the Constitution, to submit to them a permanent revenue which w^d be placing the purse & the sword in the same hands; that he wished the true doctrine of the Confederation to be ascertained as it might perhaps remove some embarrassments; and towards that end would offer his ideas on the subject.

He said that he did not conceive in the first place that the opinion was sound that the power of Congress in cases of revenue was in no respect Legislative, but merely Executive; and, in the second place, that admitting the power to be Executive a permanent revenue col-

lected & dispensed by them in the discharge of the debts to w^{ch} it s^d be appropriated would be inconsistent with the nature of an Executive body, or dangerous to the liberties of the Republic.

As to the first opinion he observed that by the Articles of Confederation, Cong^s had clearly & expressly the right to fix the quantum of revenue necessary for the public exigencies, & to require the same from the States respectively in proportion to the value of their land; that the requisitions thus made were a law to the States, as much as the Acts of the latter for complying with them were a law to their individual members; that the federal constitution was as sacred & obligatory as the internal constitutions of the several States; and that nothing could justify the States in disobeying acts warranted by it, but some previous abuse or infraction on the part of Cong^s; that as a proof that the power of fixing the quantum and making requisitions of money, was considered as a legislative power over the purse, he would appeal to the proposition made by the British Minister of giving this power to the British Parliam^t, & leaving to the American Assemblies the privilege of complying in their own modes, & to the reasonings of Congress & the several States on that proposition. He observed further that by the Articles of Confederation was delegated to Cong^s a right to borrow money indefinitely, and emit bills of Credit which was a species of borrowing, for repayment & redemption of which the faith of the States was pledged & their legislatures constitutionally bound. He asked whether these powers were reconcilable with the idea that Congress was a body merely Executive? He asked what would be thought in G. B., from whose Constitution our Political reasonings were so much drawn, of an attempt to prove that a power of making requisitions of money on the Parliament & of borrowing money for discharge of which the Parli^t s^d be bound, might be annexed to the Crown without changing its quality of an Executive branch, and that the leaving to the Parliam^t the mode only of complying with the requisitions of the Crown would be leaving to it its supreme & exclusive power of Legislation?

As to the second point he referred again to the British Constitution & the mode in which provision was made for the public debts, observing that although the Executive had no authority to contract a debt, yet that when a debt had been authorized or admitted by the Parliament a permanent & irrevocable revenue was granted by the Legislature, to be collected & dispensed by the Executive; and that this practice had never been deemed a subversion of the Constitu-

tion, or a dangerous association of a power over the purse with the power of the Sword.

If these observations were just, as he conceived them to be, the establishment of a permanent revenue not by any assumed authority of Congress, but by the authority of the States at the recommendation of Cong^s, to be collected & applied by the latter to the discharge of the public debts, could not be deemed inconsistent with the spirit of the federal Constitution, or subversive of the principles of liberty; and that all objections drawn from such a supposition ought to be withdrawn. Whether other objections of sufficient weight might not lie agst such an establish^t, was another question. For his part although for various reasons¹ he had wished for such a plan as most eligible, he had never been sanguine that it was practicable & the discussions which had taken place had finally satisfied him that it would be necessary to limit the call for a general revenue to duties on commerce & to call for the deficiency in the most permanent way that could be reconciled with a revenue established within each State separately & appropriated to the Common Treasury. He said the rule which he had laid down to himself in this business was to concur in every arrangem^t that s^d appear necessary for an honorable & just fulfilment of the public engagements; & in no measure tending to augment the power of Congress which s^d appear to be unnecessary; and particularly disclaimed the idea of perpetuating a public debt.

Mr. Lee, in answer to Mr. Madison, said the doctrine maintained by him was pregnant with dangerous consequences to the liberties

¹ Among other reasons privately weighing with him, he had observed that many of the most respectable people of America supposed the preservation of the Confederacy essential to secure the blessings of the revolution; and permanent funds for discharging debts essential to the preservation of Union. A disappointment to this class w^d certainly abate their ardor and in a critical emergence, might incline them to prefer some political connection with G. B., as a necessary cure for our internal instability. Again without permanent and general funds he did not conceive that the danger of convulsions from the army could be effectually obviated. Lastly he did not think that any thing w^d be so likely to prevent disputes among the States with the calamities consequent on them. The States were jealous of each other, each supposing itself to be on the whole a creditor to the others. The Eastern States in particular thought themselves so with regard to the S. States. (See Mr. Ghoram, in the debates of this day.) If general funds were not introduced it was not likely the balances w^d ever be discharged, even if they s^d be liquidated. The consequence w^d be a rupture of the confederacy. The E. States would at sea be powerful and rapacious; the Southern, opulent & weak. This w^d be a temptation; the demands on the S. States would be an occasion; reprisals w^d be instituted; Foreign aid would be called in by first the weaker then the stronger side, & finally both be made subservient to the wars and politics of Europe. [Note in MS.]

of the confederated States; that, notwithstanding the specious arguments that had been employed it was an established truth that the purse ought not to be put into the same hands with the Sword; that like arguments had been used in favor of Ship money in the reign of Charles I it being then represented as essential to the support of the Gov^t, that the Executive should be assured of the means of fulfilling its engagements for the public service. He said it had been urged by several in behalf of such an establishment for public credit that without it Congress was nothing more than a rope of sand. On this head he would be explicit; he had rather see Congress a rope of sand than a rod of Iron. He urged finally as a reason why some States would not & ought not to concur in granting to Congress a permanent revenue, that some States as Virg^a, would receive back a small part by paym^t from the U. S. to its Citizens, whilst others as Pen^a, w^d receive a vast surplus; & consequently be enriched by draining the former of its wealth.

Mr. Mercer said if he conceived the fœderal compact to be such as it had been represented he would immediately withdraw from Congress & do every thing in his power to destroy its existence; that if Cong^s had a right to borrow money as they pleased and to make requisitions on the States that w^d be binding on them, the liberties of the States were ideal; that requisitions ought to be consonant to the Spirit of liberty; that they should go frequently & accompanied with full information; that the States must be left to judge of the nature of them, of their abilities to comply with them & to regulate their compliance accordingly; he laid great stress on the omission of Cong^s to transmit half yearly to the States an acc^t of the monies borrowed by them &c. and even insinuated that this omission had absolved the States in some degree from the engagements. He repeated his remarks on the injustice of the rule by which loan office Certificates had been settled and his opinion that some defalcations would be necessary.

Mr. Holten was opposed to all permanent funds, and to every arrangement not within the limits of the Confederation.

Mr. Hamilton enlarged on the general utility of permanent funds to the fœderal interests of this Country, and pointed out the difference between the nature of the constitution of the British Executive & that of the U. S. in answer to Mr. Lee's reasoning from the case of Ship money.

Mr. Ghorum adverted with some warmth to the doctrines advanced by Mr. Lee & Mercer, concerning the loan office Creditors. He said the Union could never be maintained on any other ground

than that of Justice; that some States had suffered greatly from the deficiencies of others already; that if Justice was not to be obtained through the fœderal system & this system was to fail as would necessarily follow, it was time this should be known that some of the States might be forming other confederacies adequate to the purposes of their safety.

This debate was succeeded by a discharge of the Committee from the business of devising the means requisite for restoring Public credit, &c. &c. and the business referred to a Com^{tee}, consisting of Mr. Ghorum, Mr. Hamilton, Mr. Madison, Mr. Fitzsimmons & Mr. Rutledge.

No Congress till

TUESDAY, [FEBRUARY] 25.

In favor of the motion of Mr. Gilman (see the Journal of this date) to refer the officers of the army for their *half-pay* to their respective States it was urged that this plan alone would secure to the officers any advantage from that engagement; since Congress had no independent fund out of which it could be fulfilled, and the States of Con^t & R. I., in particular would not comply with any recommendation of Cong. nor even requisition, for that purpose. It was also said that it would be satisfactory to the officers; and that it would apportion on the States that part of the public burden with sufficient equality. Mr. Dyer said that the original promise of Congress on that subject was considered by some of the States as a fetch upon them, and not within the spirit of the authority delegated to Congress. Mr. Wolcott said the States w^d give Cong^{re} nothing whatever unless they were gratified in this particular. Mr. Collins said R. I. had expressly instructed her delegates to oppose every measure tending to an execution of the promise out of monies under the disposition of Congress.

On the other side it was urged that the half pay was a debt as solemnly contracted as any other debt; and was, consequently, as binding under the 12th article of Confederation on the States, & that they could not refuse a requisition made for that purpose; that it would be improper to countenance a spirit of that sort by yielding to it; that such concessions on the part of Cong^{re} w^d produce compliances on the part of the States, in other instances, clogged with favorite conditions, that a reference of the officers to the particular States to whose lines they belong would not be satisfactory to the officers of those States who objected to half pay, and would increase the present irritation of the army; that to do it without their unanimous consent would be a breach of the contract by which the U. S. collectively were bound to them; and above all that the proposed

plan, which discharged any particular State which should settle with its officers on this subject, altho' other States might reject the plan, from its proportion of that part of the public burden, was a direct and palpable departure from the law of the Confederation. According to this instrument the whole public burden of debt must be apportioned according to a valuation of land, nor c^d any thing but a unanimous concurrence of the States dispense with this law. According to the plan proposed so much of the public burden as the $\frac{1}{2}$ pay s^d amount to, was to be apportioned according to the number of officers belonging to each line; the plan to take effect as to all those States which should adopt it, without waiting for the unanimous adoption of the States; and that if Congress had authority to make the number of officers the rule of apportioning one part of the Public debt on the States, they might extend the rule to any other part or to the whole, or might substitute any other arbitrary rule which they should think fit. The motion of Mr. Gilman was negatived. See the ays & noes on the Journal.

WEDNESDAY, FEB. 26.

Mr. Lee observed to Congress that it appeared from the Newspapers of the day that sundry enormities had been committed by the refugees within the State of Delaware, as it was known that like enormities had been committed on the Shores of the Chesapeak, notwithstanding the pacific professions of the Enemy; that it was probable however that if complaint were to be made to the British Commander at N. York the practice would be restrained. He accordingly moved that a Committee might be appointed to take into consideration the means of restraining such practices. The motion was 2^d^d by Mr. Peters. By Mr. Fitzsimmons the motion was viewed as tending to a request of favors from S^r Guy Carleton. It was apprehended by others that, as Gen^l Washington & the commanders of separate armies had been explicitly informed of the sense of Congress on this point, any fresh measures thereon might appear to be a censure on them; and that Congress c^d not ground any measure on the case in question, having no official information relative to it. The motion of Mr. Lee was negatived. But it appearing from the vote to be the desire of many members that some step might be taken by Congress, the motion of Mr. Madison & Mr. Mercer as it stands on the Journal was proposed and agreed to as free from all objections.

A motion was made by Mr. Hamilton to give a brevet commission to Maj^r Burnet, aid to Gen^l Greene and messenger of the evacuation

of Charleston, of Lt Colonel; there being six ayes only the motion was lost. N. H., no, Mr. Lee & Mercer no.

The Committee consisting of Mr. Lee &c. to whom had been referred the motion of Mr. Hamilton recommending to the States to authorize Congress to make abatements in the retrospective apportionment by a valuation of land in favor of States whose ability from year to year had been most impaired by the war; reported that it was inexpedient to agree to such motion because one State (Virg^a) having disagreed to such a measure, on a former recommendation of Congress, it was not probable that another recommendation would produce any effect; and because the difficulties of making such abatements were greater than the advantages expected from them.

Mr. Lee argued in favor of the report & the reasons on which it was grounded. The Eastern delegates were for leaving the matter open for future determination when an apportionment should be in question.

Mr. Madison said he thought that the principle of the motion was conformable to justice & within the spirit of the Confederation; according to which apportionm^ts ought [to] have been made from time to time throughout the war according to the existing wealth of each State. But that it would be improper to take up this case separately from other claims of equity which would be put in by other States; that the most likely mode of obtaining the concurrence of the States in any plan w^d be to comprehend in it the equitable interests of all of them; a comprehensive plan of that sort would be the only one that would cut off all sources of future controversy among the States. That as soon as the plan of revenue s^d be prepared for recommendation to the States it would be proper for Cong. to take into consideration & combine with it every object¹ which

¹ He had in view the followg objects: 1. The abatements proposed by Mr. Hamilton 2. A transfer into the common mass of expences of all the separate expences incurred by the States in their particular defence. 3. An acquisition to the U. States of the vacant territory. The plan thus extended would affect the interest of the States as follows, viz. N. Hampshire would approve the establishment of a General revenue, as tending to support the confederacy, to remove causes of future contention, and to secure her trade against separate taxation from the States thro' which it is carried on. She would also approve of a share in the vacant territory. Having never been much invaded by the enemy her interest would be opposed to abatements, & throwing all the separate expenditures into the common mass. The discharge of the public debts from a common treasury would not be required by her interest, the loans of her citizens being under her proportion. See the statement of them.

Massachusetts is deeply interested in the discharge of the public debts. The expedition to Penobscot alone interests her, as she supposes, in making a common

might facilitate its progress, & form a complete provision for the tranquillity of the U. States. The question on Mr. Hamilton's motion was postponed.

mass of expences; her interest is opposed to abatements; the other objects w^d not peculiarly affect her.

Rhode Island, as a weak State, is interested in a General revenue as tending to support the Confederacy and prevent future contentions, but against it as tending to deprive her of the advantage afforded by her situation of taxing the commerce of the contiguous States. As tending to discharge with certainty the public debts, her proportion of loans interest her rather against it. Having been the seat of the war for a considerable time, she might not perhaps be opposed to abatements on that account. The exertions for her defence having been *previously* sanctioned, it is presumed in most instances, she would be opposed to making a common mass of expences. In the acquisition of vacant territory she is deeply and anxiously interested.

Connecticut is interested in a general revenue as tending to protect her commerce from separate taxation by N. York & Rhode Island; and somewhat as providing for loan office creditors. Her interest is opposed to abatements, and to a common mass of expences. Since the condemnation of her title to her Western Claims, she may perhaps consider herself as interested in the acquisition of the vacant lands. In other respects, she w^d not be peculiarly affected.

N. York is exceedingly attached to a general revenue as tending to support the confederacy and prevent future contests among the States. Although her Citizens are not lenders beyond the proportion of the States, yet individuals of great weight are deeply interested in provision for public debts. In abatements N. York is also deeply interested. In mak^g a common mass also interested, and since the acceptance of her cession, interested in those of other States.

N. Jersey is interested as a smaller State, in a General revenue as tend^g to support the confederacy, and to prevent future contests and to guard her commerce ag^t the separate taxation of Pennsylvania and N. Y. The loans of her citizens are not materially disproportionate. Although this State has been much the theatre of the war, she w^d not perhaps be interested in abatements. Having had a previous sanction for particular expenditures her interest w^d be opposed to a common mass. In the vacant territory, she is deeply and anxiously interested.

Penn^a is deeply interested in a general revenue, the loans of her Citizens amounting to more than $\frac{1}{3}$ of that branch of the public debt. As far as a general impost on trade would restrain her from taxing the trade of N. Jersey, it would be against her interest. She is interested against abatements; and against a common mass, her expenditures having been always previously sanctioned. In the vacant territory, she is also interested.

Delaware is interested by her weakness in a general revenue as tending to support the confederacy and future tranquillity of the States; but not materially, by the credits of her Citizens. Her interest is opposed to abatements & to a common mass. To the vacant territory she is firmly attached.

Maryland. Having never been the Seat of war and her Citizens being creditors below her proportion, her interest lies ag^t a general revenue, otherwise than as she is interested in common with others in the support of the confederacy & tranquillity of the U. S.; but against abatements, and against a common mass. The vacant lands are a favorite object to her.

Virg^a, in common with the Southern States as likely to enjoy an opulent and defenceless trade is interested in a general revenue, as tending to secure to her the

The letter from Mr. Morris requesting that the injunction of secrecy might be withdrawn from his preceding letter signifying to Congress his purpose of resigning, was committed to [Rutledge, Gorham and Wolcott.]

protection of the confederacy ag^t the maritime superiority of the E. States; but ag^t it as tending to discharge loan office debts and to deprive her of the occasion of taxing the commerce of N. Carolina. She is interested in abatements, and essentially so in a common mass, not only her eccentric expenditures being enormous, but many of her necessary ones hav^t rec^d no previous or subsequent sanction. Her cession of territory would be considered as a sacrifice.

N. Carolina is interested in a general revenue as tending to ensure the protection of the Confederacy ag^t the maritime superiority of the E. States and to guard her trade from separate taxation by Virginia and S. Carolina. The loans of her citizens are inconsiderable. In abatements and in a common mass she is essentially interested. In the article of territory, she would have to make a sacrifice.

South Carolina is interested, as a weak & exposed State in a general revenue as tending to secure to her the protection of the confederacy ag^t Enemies of *every* kind, and as providing for the public Creditors, her Citizens being not only loan office Creditors beyond her proportion, but having immense unliquidated demands ag^t the U. States. As restraining her power over the commerce of N. Carolina, a general revenue is opposed by her interests. She is also materially interested in abatements, and in a common mass. In the article of territory her sacrifice w^d be inconsiderable.

Georgia as a feeble, an opulent & frontier State is peculiarly interested in a general revenue, as tending to support the confederacy. She is also interested in it somewhat by the credits of her Citizens. In abatements she is also interested, and in a common mass essentially so. In the article of territory she would make an important sacrifice.

To make this plan still more complete for the purpose of removing all present complaints, and all occasions of future contests, it may be proper to include in it a recommendation to the States to rescind the rule of apportioning pecuniary burdens according to the value of land, & to substitute that of numbers, reckoning two slaves as equal to one freeman.

STATE OF THE LOAN OFFICE DEBT.

	Specie Dollars.		Specie Dollars.
N. H.....	336, 579 58 7	Delaware.....	65, 820 13 7
Mass.....	2, 361, 866 66 5	Maryland.....	410, 218 30
R. Island.....	699, 725 37 4	Virg ^a	313, 741 82 3
Con ^t	1, 270, 115 30	N. Carolina.....	113, 341 11 1
N. York.....	949, 729 57 5	S. Carolina.....	90, 442 10 1
N. Jersey.....	658, 883 69		
Pen ^a	3, 948, 904 14 4	Total.....	11, 437, 410 80

This it is to be observed is only the list of loan office debts. The unliquidated debts and liquidated debts of other denominations due to individuals will vary inexpressibly the relative quantum of credits of the several States. It is to be further observed that this only shews the original credits, transfers having been constant; heretofore they have flowed into P^a. Other States may hereafter have an influx. [Note in MS.]

THURSDAY, FEBRUARY 27TH.

On the report of the Com^s on Mr. Morris's letter the injunction of secrecy was taken off without dissent or observation.

The attention of Congress was recalled to the subject of half pay by Messrs. Dyer & Wolcot, in order to introduce a reconsideration of the mode of referring it separately to the States to provide for their own lines.

Mr. Mercer favored the reconsideration, representing the commutation proposed, as tending in common with the funding of other debts, to establish and perpetuate a monied interest in the U. S.; that this monied interest would gain the ascendance of the landed interest, would resort to places of luxury & splendor, and, by their example & influence, become dangerous to our republican constitutions. He said however that the variances of opinion and indecision of Congress were alarming and required that something should be done; that it w^d be better to new-model the Confederation, or attempt any thing, rather than do nothing.

Mr. Madison reminded Cong^s, that the commutation proposed was introduced as a compromise with those to whom the idea of pensions was obnoxious & observed that those whose scruples had been relieved by it had rendered it no less obnoxious than pensions by stigmatizing it with the name of a perpetuity. He said the public situation was truly deplorable. If the payment of the capital of the public debts was suggested, it was said & truly said to be impossible; if funding them & paying the interest was proposed, it was exclaimed agst as establishing a dangerous monied interest, as corrupting the public manners, as administering poison to our republican constitutions. He said he wished the revenue to be established to be such as would extinguish the capital as well as pay the interest within the shortest possible period; and was as much opposed to perpetuating the public burdens as any one. But that the discharge of them in some form or other was essential, and that the consequences predicted therefrom could not be more heterogeneous to our republican character and constitutions, than a violation of the maxims of good faith and common honesty. It was agreed that the report for commuting $\frac{1}{2}$ pay should lie on the table till to-morrow, in order to give an opportunity to the Delegates of Connecticut to make any proposition relative thereto which they should judge proper.

The report of the Comm^s, consisting of Mr. Ghorum Mr. Hamilton Mr. Madison Mr. Rutledge & Mr. Fitzsimmons, was taken up. It proposed that in addition to the impost of 5 Per C^t ad valorem

the States be requested to enable Cong^s to collect a duty of $\frac{1}{3}$ of a dollar per bushel on salt imported; of $\frac{9}{10}$ per Gallon on all wines do. and of $\frac{3}{10}$ per Gallon on all rum & brandy do.

On the first article it was observed on the part of the East: States, that this would press peculiarly hard on them on acc^t of the salt consumed in the fisheries; and that it would besides be injurious to the national interest by adding to the cost of fish, and a drawback was suggested.

On the other side it was observed that the warmer climate & more dispersed settlements of the Southern States, required a greater consumption of salt for their provisions, that salt might & would be conveyed to the fisheries without previous importation, that the effect of the duty was too inconsiderable to be felt in the cost of fish & that as the rum in the N. E. States being in a great degree manufactured at home, they would have a greater advantage in this respect, than the other States could have in the article of Salt; that a drawback could not be executed in our complicated govern^t with ease or certainty.

Mr. Mercer on this occasion declared that altho' he thought those who opposed a general revenue right in their principles, yet as they appeared to have formed no plan adequate to the public exigencies, and he was convinced of the necessity of doing something, he should depart from his first resolution and strike in with those who were pursuing the plan of a general revenue.

Mr. Holten said that he had come lately into Congress with a pre-determination against any measures for discharging the public engagements other than those pointed out in the Confederation, & that he had hitherto acted accordingly. But that he saw now so clearly the necessity of making provision for that object, and the inadequacy of the Confederation thereto, that he should concur in recommending to the States a plan of a general revenue.

A question being proposed on the duty on salt there were 9 ays, N. H. alone being no, R. I. not present.

It was urged by some that the duty on wine should be augmented; but it appeared on discussion and some calculations, that the temptation to smuggling w^d be rendered too strong, & the revenue be thereby diminished. Mr. Bland proposed that, instead of a duty on the Gallon an ad-valorem duty should be laid on wine, and this idea after some loose discussions, was agreed to, few of the members interesting themselves therein, and some of them having previously retired from Congress.

FRIDAY, FEBRUARY 28.

A motion was made by Mr. Wolcott and Mr. Dyer to refer the half pay to the States, little differing from the late motion of Mr. Gilman, except that it specified 5 years' whole pay as the proper ground of composition with the Officers of the respective lines. On this proposition the arguments used for and against Mr. Gilman's motion were recapitulated. It was negatived, Congress alone answering in the affirmative, and no division being called for.

On the question to agree to the report for a commutation of 5 years' whole pay, there being 7 yeas only it was considered whether this was an appropriation or a new ascertainment of a sum of money necessary for the public service. Some were of opinion at first that it did not fall under that description, viz of an appropriation. Finally the contrary opinion was deemed almost unanimously the safest, as well as the most accurate. Another question was whether 7 or 9 votes were to decide doubts whether 7 or 9 were requisite on any question. Some were of opinion that the Secretary ought to make an entry according to his own judgment and that that entry should stand unless altered by a positive instruction from Congress. To this it was objected that it would make the Secretary the Sovereign in many cases, since a reversal of his entry would be impossible, whatever that entry might be; that particularly he might enter 7 votes to the affirmative on a question where 9 were necessary, and if supported in it by a few States it would [be] irrevocable. It was said, by others, that the safest rule would be to require 9 votes to decide in all cases of doubt whether 9 or 7 were necessary. To this it was objected that one or two States, and in any situation 6 States might by raising doubts, stop seven from acting in any case which they disapproved. Fortunately on the case in question there were 9 States of opinion that nine were requisite, so the difficulty was got over for the present.

On a reconsideration of the question whether the duty on wine should be on the quantity or on the value the mode reported by the Committee was reinstated, and the whole report recommended to be included with the 5 Per Cent ad valorem, in an Act of recommendation to the States.

MONDAY MARCH 3^d.

The Committee on revenues, reported in addition to the former articles recommended by them, a duty of $\frac{3}{4}$ of a dollar per 112 lb^s on all brown sugars, 1 dollar on all powdered, lumped & clayed sugars, other than loaf sugars, $1\frac{1}{2}$ dollar per 112 lb^s on all loaf sugars, $\frac{3}{8}$ of a dollar per lb on all Bohea Teas, and $\frac{1}{15}$ of a dollar on all finer India Teas.

This report without debate or opposition was recommitted to be incorporated with the general plan.

TUESDAY MARCH 4, AND WEDNESDAY MARCH 5.

The motion of Mr. Hamilton on the Journal, relative to abatement of the quotas of distressed States was rejected, partly because the principle was disapproved by some, and partly because it was thought improper to be separated from other objects to be recommended to the States. The latter motive produced the motion for postponing which was lost.

The Committee to whom had been referred the letters of resignation of Mr. Morris reported as their opinion that it was not necessary for Cong^s immediately to take any steps thereon. They considered the resignation as conditional, and that if it s^d eventually take place at the time designated, there was no necessity for immediate provision to be made.

Mr. Bland moved that &c (see Journl of Mar. 5).

This motion produced on these two days lengthy & warm debates, Mr. Lee & Mr. Bland on one side disparaging the Administration of Mr. Morris, and throwing oblique censure on his character. They considered his letters as an insult to Cong^s, & Mr. Lee declared that the man who had published to all the world such a picture of our national character & finances was unfit to be a Minister of the latter. On the other side Mr. Wilson & Mr. Hamilton went into a copious defence & Panegyric of Mr. Morris, the ruin in which his resignation if it s^d take effect w^d involve public credit and all the operations dependent on it; and the decency altho' firmness, of his letters. The former observed that the declaration of Mr. Morris, that he w^d not be the minister of Injustice c^d not be meant to reflect on Cong^s, because they had declared the funds desired by Mr. Morris to be necessary; and that the friends of the latter could not wish for a more honorable occasion for his retreat from public life, if they did not prefer the public interest to considerations of friendship. Other members were divided as to the propriety of the letters in question. In general however they were thought reprehensible, as in general also a conviction prevailed of the personal merit and public importance of Mr. Morris. All impartial members foresaw the most alarming consequences from his resignation. The prevailing objection to Mr. Bland's motion was that its avowed object and tendency was to re-establish a *board* in place of a single minister of finance. Those who apprehended that ultimately this might be unavoidable, thought it so objectionable that nothing but the last necessity would justify it.

The motion of Mr. Bland was lost; and a Comm^s appointed generally on the letters of Mr. Morris.

THURSDAY MARCH 6.

The com^s on Revenue made a report which was ordered to be printed for each member, and to be taken up on Monday next.

FRIDAY MARCH 7.

Printed copies of the Report above-mentioned were delivered to each member, as follows, viz.

(1.) *Resolved*, that it be recommended to the several States, as indispensably necessary to the restoration of public credit, and the punctual & honorable discharge of the public debts, to vest in the U. S. in Cong^s assem^d a power to levy for the use of the U. S. a duty of 5 Per C^t ad valorem, at the time & place of importation, upon all goods, wares & merchandizes of foreign growth & manufactures, which may be imported into any of the said States, from any foreign port, island or plantation, except arms, ammunition, cloathing, and other articles imported on account of the U. States or any of them; and except wool cards, cotton cards, and wire for making them; and also except Salt during the war:

(2.) Also a like duty of 5 Per C^t ad valorem, on all prizes & prize goods condemned in the Court of Admiralty of any of these States as lawful prize:

(3.) Also to levy a duty of $\frac{1}{8}$ of a dollar per bushel on all salt imported as aforesaid after the war; $\frac{1}{15}$ of a dollar per gallon on all wines; $\frac{1}{30}$ of a dollar per gallon on all rum & brandy; $\frac{2}{3}$ of a dollar per 112 lbs on all brown sugars; 1 dollar per 112 lbs on all powdered, lump and clayed sugars other than loaf sugars; $1\frac{1}{2}$ d^o per 112 lbs on all loaf sugars; $\frac{1}{30}$ of a dollar per pound on all Bohea Tea, and $\frac{1}{15}$ of a dollar per lb on all finer India teas, imported as aforesaid, after ———, in addition to the five per C^t above-mentioned:

(4.) Provided that none of the said duties shall be applied to any other purpose than the discharge of the interest or principal of the debts which shall have been contracted on the faith of the U. S. for supporting the present war, nor be continued for a longer term than 25 years: and provided that the collectors of the said duties shall be appointed by the States within which their offices are to be respectively exercised, but when so appointed, shall be amenable to and removable by the U. S. in Cong^s assembled alone; and in case any State shall not make such appointment within ———, after

notice given for that purpose, the appointment may then be made by the U. S. in Cong^s assembled.

(5.) That it be further recommended to the several States to establish for a like term not exceeding 25 years, and to appropriate to the discharge of the interest and principal of the debts which shall have been contracted on the faith of the U. S., for supporting the present war, substantial and effectual revenues of such a nature as they may respectively judge most convenient, to the amount of ———, and in the proportions following viz.

The said revenues to be collected by persons appointed as aforesaid, but to be carried to the separate credit of the States within which they shall be collected, and be liquidated and adjusted among the States according to the quotas which may from time to time be allotted to them.

(6.) That an annual account of the proceeds and application of the aforementioned revenues shall be made out & transmitted to the several States, distinguishing the proceeds of each of the specified articles, and the amount of the whole revenue received from each State.

(7.) That none of the preceding resolutions shall take effect untill all of them shall be acceded to by every State, after which accession however, they shall be considered as forming a mutual compact among all the States, and shall be irrevocable by any one or more of them without the concurrence of the whole, or a majority, of the United States in Cong^s assembled:

(8.) That, as a further mean, as well of hastening the extinguishment of the debts, as of establishing the harmony of the U. States, it be recommended to the States which have passed no acts towards complying with the resolutions of Congress of the 6th of Sep^r and the 10th of Oct^r, 1780, relative to territorial cessions, to make the liberal cessions therein recommended, & to the States which may have passed acts complying with the said resolutions in part only, to revise & complete such compliance.

(9.) That, in order to remove all objections against a retrospective application of the constitutional rule of proportioning to the several States the charges & expences which shall have been supplied for the common defence or general welfare, it be recommended to them to enable Congress to make such equitable exceptions and abatements as the particular circumstances of the States from time to time, during the war, may be found to require:

(10.) That conformably to the liberal principles on which these recommendations are founded, & with a view to a more amicable

and complete adjustment of all accounts between the U. S. and individual States, all reasonable expences which shall have been incurred by the States without the sanction of Cong^s, in their defence agst or attacks upon British or Savage enemies, either by sea or by land, and which shall be supported by satisfactory proofs, shall be considered as part of the common charges incident to the present war, and be allowed as such:

(11.) That as a more convenient and certain rule of ascertaining the proportions to be supplied by the States respectively to the common Treasury, the following alteration in the articles of confederation and perpetual union between these States, be and the same is hereby, agreed to in Congress, & the several States are advised to authorize their respective delegates to subscribe and ratify the same, as part of the said instrument of Union, in the words following, to wit.

(12.) "So much of the 8th of the Articles of Confederation & perpetual Union between the thirteen States of America as is contained in the words following to wit 'All charges of war &c (to the end of the paragraph)'—is hereby revoked and made void, and in place thereof, it is declared and Concluded, the same having been agreed to in a Congress of the United States, that all charges of war, and all other expences that shall be incurred for the common defence or general welfare and allowed by the U. S. in Congress assembled shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the number of inhabitants of every age, sex & condition, except Indians not paying taxes in each State; which number shall be triennially taken & transmitted to the U. S. in Cong^s assembled, in such mode as they shall direct and appoint; provided always that in such numeration no persons shall be included who are bound to servitude for life, according to the laws of the State to which they belong, other than such as may be between the ages of ¹——."

¹ In the draught as laid before the Com^s by —— the (7) paragraph was placed last of all, so as to render the plan indivisible. In the (10) paragraph the word "reasonable" before the word "expences," was not inserted; but to the paragraph was added "provided that this allowance shall not be extended to any expences which shall be declared by nine votes in Congress to be manifestly unreasonable." In other respects the original draught was unaltered, except that a former resolution of Congress in the words of the (6) paragraph was incorporated by the Sec^y before it went to the press. [Note in MS.]

MONDAY, MARCH 10.

See the Journal. Much debate passed relative to the proposed commutation of half pay; Some wishing it to take place on condition only that a majority of the whole army should concur, others preferring the plan expressed on the journal, and not agreed to.

TUESDAY, MARCH 11.

The Report entered on Friday, the 7 of March, was taken into consideration. It had been sent by order of Cong^s to the Sup^t of Finance for his remarks which were also on the table. These remarks were in substance: that it w^d be better to turn the 5 per c^t ad valorem into a Tariff, founded on an enumeration of the several classes of imports, to which ought to be added a few articles of exports; that instead of an apportionment of the residue on the States, other general revenues from a land tax, reduced to $\frac{1}{4}$ of a dollar Per Hundred Acres, with a house tax regulated by the number of windows, and an excise on all Spirituous liquors to be collected at the place of distillery ought to be substituted and as well as the duties on trade made coexistent with the public debts; the whole to be collected by persons app^d by Cong^s alone. And that an alternative ought to be held out to the States, either to establish these permanent revenues for the interest, or to comply with a constitutional demand of the principal within a very short period.

In order to ascertain the sense of Con^t on these ideas it was proposed that the following short questions s^d be taken:

1. Shall any taxes to operate generally throughout the States, be recommended by Cong^s other than duties on foreign commerce?
2. Shall the 5 Per C. ad valorem be exchanged for a tariff?
3. Shall the alternative be adopted, as proposed by the Superintend^t of Finance?

On the 1st question the States were, N. H. no, Mas: no, Con^t no, N. J. no, Mary^d no, Virg^t no, 6 noes and 5 ays.

On the 2^d question there were 7 ays.

The 3^d question was not put, its impropriety being generally proclaimed.

In consequence of the 2^d vote in favor of a tariff, the 3 first paragraphs of the Rep^t were recommitted together with the letter from the Superintend^t of Finance.

On the fourth Par. on motion of Mr. Dyer, after the word "war," in line 5, was inserted "agreeably to the resolution of the 16 of Dec^r last."

A motion was made by Mr. Hamilton & Mr. Wilson to strike out the limitation of 25 years and to make the revenue co-existent with the debts. This question was lost, the States being N. H., no, Mas., no, Con^t div^d, N. Y., ay, N. J., ay, P^a, ay, Del., ay, Mary^d, ay, V^a, no, N. C., ay, S. C., no.

A motion was made by Mr. Hamilton and Mr. Wilson to strike out the clauses relative to the appointment of Collectors, and to provide that the Collectors s^d be inhabitants of the States within which they s^d collect, should be nominated by Cong^s, and appointed by the States, and in case such nomination should not be accepted or rejected within ——— days it should stand good. On this question there were 5 ayes & 6 noes.

WEDNESDAY 12, TH. 13, F. 14, S. 15 OF MARCH.

These days were employed in reading the despatches brought on Wednesday morning by Capt. Barney commanding the *Washington* Packet. They were dated from Dec^r 4 to 24, from the Ministers Plenipo: for peace, with journals of preceding transactions, and were accompanied by the Preliminary articles signed on the 30th of Nov^r, between the said Ministers and Mr. Oswald the British Minister.

The terms granted to America appeared to Cong^s on the whole extremely liberal. It was observed by several however that the stipulation obliging Cong^s to recommend to the States a restitution of confiscated property, altho' it could scarcely be understood that the States would comply, had the appearance of sacrificing the dignity of Cong^s, to the pride of the British King.

The separate & secret manner in which our Ministers had proceeded with respect to France & the confidential manner with respect to the British Ministers affected different members of Cong^s very differently. Many of the most judicious members thought they had all been in some measure ensnared by the dexterity of the British Minister; and particularly disapproved of the conduct of Mr. Jay in submitting to the Enemy his jealousy of the French without even the knowledge of Dr. Franklin, and of the unguarded manner in which he, Mr. A. & Dr. F., had given in writing sentiments unfriendly to our Ally, and serving as weapons for the insidious policy of the Enemy. The separate Article was most offensive, being considered as obtained by G. B. not for the sake of the territory ceded to her, but as a means of disuniting the U. S. & France, as inconsistent with the spirit of the Alliance, and a dishonorable departure from the candor rectitude and plain dealing professed by Cong^s. The dilemma in w^{ch} Cong^s were placed was sorely felt. If they s^d com-

municate to the F. minister every thing they exposed their own Ministers, destroyed all confidence in them on the part of France and might engage them in dangerous factions ag^t Cong^s, which was the more to be apprehended, as the terms obtained by their management were popular in their nature. If Cong^s s^d conceal every thing, & the F. Court s^d either from the Enemy or otherwise come to the knowledge of it, all confidence w^d be at an end between the allies; the enemy might be encouraged by it to make fresh experiments, & the public safety as well as the national honor be endangered. Upon the whole it was thought & observed by many that our Ministers particularly Mr. Jay, instead of making allowances for & affording facilities to France in her delicate situation between Spain & the U. S., had joined with the enemy in taking advantage of it to increase her perplexity; & that they had made the safety of their Country depend on the Sincerity of L^d Shelburne, which was suspected by all the world besides, and even by most of themselves. See Mr. L's. letter Dec^r 24th.

The displeasure of the French Court at the neglect of our Ministers to maintain a confidential intercourse & particularly to communicate the preliminary articles before they were signed, was not only signified to the Sec^r of F. A., but to sundry members by the Chev^r de la Luzerne. To the former he shewed a letter from C^t de Vergennes directing him to remonstrate to Cong^s ag^t the conduct of the American Ministers; which a subsequent letter countermanded alledging that Doc^r F. had given some explanations that had been admitted; & told Mr. Livingston that the American Ministers had deceived him (de Vergennes) by telling him a few days before the preliminary articles were signed, that the agreement on them was at a distance; that when he carried the articles signed into Council, the King expressed great indignation, and asked if the Americans served him thus before peace was made, & whilst they were begging for aids, what was to be expected after peace &c. To several Members he mentioned that the King had been surprised & displeased & that he said he did not think he had such allies to deal with. To one of them who asked whether the C^t of F. meant to complain of them to Cong^s, Mr. Marbois answered that Great Powers never *complained* but that they *felt & remembered*. It did not appear from any circumstances that the separate article was known to the Court of F., or to the Chev^r de la Luzerne.

The publication of the preliminary articles excepting the separate article in the Newspaper was not a deliberate act of Cong^s. A hasty

question for enjoining secrecy on certain parts of the despatches which included those articles, was lost; and copies have been taken by members & some of them handed to the Delegates of Penna, one of them reached the printer. When the publication appeared Congress in general regretted it, not only as tending too much to lull the States, but as leading France into suspicions that Congress favored the premature signature of the articles and were at least willing to remove in the minds of the people the blame of delaying peace from G. B. to France.

MONDAY MARCH 17.

A letter was rec^d from Gen^l Washington inclosing two anonymous & inflammatory exhortations to the army to assemble for the purpose of seeking by other means, that justice which their Country shewed no disposition to afford them. The steps taken by the Gen^l to avert the gathering storm & his professions of inflexible adherence to his duty to Congress & to his Country, excited the most affectionate sentiments towards him. By private letters from the army & other circumstances there appeared good ground for suspecting that the Civil creditors were intriguing in order to inflame the army into such desperation as w^d produce a general provision for the public debts. These papers were committed to Mr. Gilman, Mr. Dyer, Mr. Clark Mr. Rutledge & Mr. Mercer. The app^t of these Gentlemen was brought about by a few members who wished to saddle with this embarrassment the men who had opposed the measures necessary for satisfying the army, viz. the half pay & permanent funds; ag^t one or other of which the individuals in question had voted.

This alarming intelligence from the army added to the critical situation to w^{ch} our affairs in Europe were reduced by the variance of our Ministers with our Ally, and to the difficulty of establishing the means of fulfilling the Engagem^t & securing the harmony of the U. S. & to the confusions apprehended from the approaching resignation of the Superint^t of Finance, gave peculiar awe & solemnity to the present moment, & oppressed the minds of Cong^s with an anxiety & distress which had been scarcely felt in any period of the revolution.

TUESDAY, MARCH 18.

On the report of the Committee to whom the 3 paragraphs of the Report on revenues (see March 6 & 7) had been recommitted, the said paragraphs were expunged so as to admit the following amendment which took place without opposition, viz.

“Resolved That it be recommended &c &c.

	Dols.
Upon all rum of Jamaica proof per Gallon	$\frac{4}{90}$
Upon all other spirituous liquors	$\frac{3}{90}$
Upon Madeira wine	$\frac{12}{90}$
Upon the wines of Lisbon, Oporto, those called Sherry and upon all French wines	$\frac{6}{90}$
Upon the wines called Malaga or Teneriffe	$\frac{5}{90}$
Upon all other wines	$\frac{4}{90}$
Upon common Bohea Tea, Per lb.	$\frac{6}{90}$
Upon all other Teas	$\frac{24}{90}$
Upon pepper, per lb.	$\frac{3}{90}$
Upon Brown Sugar per lb.	$\frac{4}{90}$
Upon loaf Sugar	$\frac{2}{90}$
Upon all other Sugars	$\frac{1}{90}$
Upon molasses per Gallon	$\frac{1}{90}$
Upon Cocoa and Coffee, per lb.	$\frac{1}{90}$
Upon Salt after the war, per bushel	$\frac{1}{8}$

And upon all goods, except arms, ammunitions & cloathing or other articles,¹ imported for the use of the U. S., a duty of 5 Per Cent ad valorem:

Provided that there be allowed a bounty of $\frac{1}{3}$ of a dollar for every Quintal of dried fish exported from these U. S., and a like sum for every Barrel of pickled fish, beef or pork to be paid or allowed to the exporter thereof at the port from which they shall be so exported.

The arguments urged by Mr. Wilson in behalf of his motion (see Journal) for a land tax of $\frac{1}{4}$ of a dollar per 100 acres other than those heretofore generally urged were that it was more moderate than had been paid before the revolution and it c^d not be supposed the people w^d grudge to pay as the price of their liberty what they formerly paid to their oppressors; that if it was unequal, this inequality w^d be corrected by the States in other taxes—that as the tax on trade would fall chiefly on the inhabitants of the lower Country who consumed the imports, the tax on land would affect those who were remote from the Sea & consumed little.

On the opposite side it was alledged that such a tax was repugnant to the popular ideas of equality & particularly w^d never be acceded

¹ The other exception, as to cards & wire for making them &c., was struck out unanimously on the motion of Mr. Clark; being considered as no longer necessary & contrary to the general policy of encouraging necessary manufactures among ourselves. [Note in MS.]

to by the Southern States, at least unless they were to be respectively credited for the amount; and if such credit were to be given, it w^d be best to let the States chuse such taxes as would best suit them.

A letter came in & was read from the Sec^y of F. A. stating the perplexing alternative to which Cong^t were reduced by the secret article relating to West Florida, either of dishonoring themselves by becoming a party to the concealment, or of wounding the feelings & destroying the influence of our Ministers by disclosing the article to the French Court; and proposing as advisable on the whole

1. That he be authorized to communicate the article in question to The French Minister in such manner as would best tend to remove unfavorable impressions which might be made on the C^t of F. as to the sincerity of Congress or their Ministers.

2. That the s^d Ministers be informed of this communication, and instructed to agree that the limit for West Florida, proposed in the separate article be allowed to whatever power the said colony may be confirmed by a Treaty of peace.

3. That it be declared to be the sense of Congress that the preliminary articles between the U. S. & G. B. are not to take effect untill peace shall be actually signed between the Kings of F. and G. B.¹

Ordered that to-morrow be assigned for the consideration of the said letter.

WEDNESDAY, MARCH 19.

A letter was read from the Superintend^t of Finance, inclosing letters from Doc^t Franklin, accompan^d with extracts from the C^t de Vergennes relative to money affairs, the Sup^t thereupon declaring roundly that our credit was at an end & that no further pecuniary aids were to be expected from Europe. Mr. Rutledge denied these assertions, & expressed some indignation at them. Mr. Bland said that as the Sup^t was of this opinion it would be absurd for him to be Minister of Finance and moved that the Com^t on his motion for arranging the department might be instructed to report without loss of time. This motion was negatived as censuring the Com^t, but it was understood to be the sense of Cong^t that they s^d report.

The order of the day viz the letter from the Secretary of F. A. was taken up.

¹ This was meant to guard ag^t a construction that they were to take effect when peace s^d be agreed on by those powers, & the latter be *ready* to sign, altho' the former s^d be restrained untill the other parties s^d be ready for signing. [Note in MS.]

Mr. Wolcot conceived it unnecessary to waste time on the subject as he presumed Congress would never so far censure the Ministers who had obtained such terms for this country as to disavow their conduct.

Mr. Clarke was decided against communicating the separate article, which would be sacrificing meritorious Ministers, & would rather injure than relieve our national honor. He admitted that the separate article put an advantage into the hands of the Enemy, but did not on the whole deem it of any very great consequence. He thought Congress ought to go no farther than to inform the Ministers that they were sorry for the necessity which had led them into the part they had taken, & to leave them to get rid of the embarrassment as to the separate article in such way as they should judge best. This expedient would save Congress & spare our Ministers who might have been governed by reasons not known to Congress.

Mr. Mercer said that not meaning to give offence any where, he should speak his sentiments freely. He gave it as his clear & decided opinion that the Ministers had insulted Congress by sending them assertions without proof, as reasons for violating their instructions & throwing themselves into the confidence of G. B. He observed that France in order to make herself equal to the Enemy had been obliged to call for aid & had drawn Spain against her interest into the war; that it was not improbable that she had entered into some specific engagements for that purpose; that hence might be deduced the perplexity of her situation, of which advantage had been taken by G. B., an advantage in which our Ministers had concurred for sowing jealousies between F. & U. S. & of which further advantage would be taken to alienate the minds of the people of this Country from their ally, by presenting him as the obstacle to peace. The British Court he said having gained this point may easily frustrate the negotiation & renew the war against divided enemies. He approved of the conduct of the Count de Vergennes in promoting a treaty under the pretext of Commissary to Oswald as preferring the substance to the shadow & proceeding from a desire of peace. The conduct of our Ministers throughout, particularly in giving in writing every thing called for by British Ministers expressive of distrust of France was a mixture of follies which had no example, was a tragedy to America and a comedy to all the world beside. He felt inexpressible indignation at their meanly stooping, as it were to lick the dust from the feet of a nation whose hands were still dyed with the blood of their fellow-citizens. He reprobated the chicanery and low cunning which marked the journals transmitted to Congress, and contrasted them with the

honesty & good faith which became all nations and particularly an infant republic. They proved that America had at once all the follies of youth and all the vices of old age; thinks it w^d [be] necessary to recall our Ministers; fears that France may be already acquainted with all the transactions of our Ministers, even with the separate article, and may be only awaiting the reception given to it by Cong^t to see how far her hopes of cutting off the right arm of G. B. by supporting our revolution may have been well founded; and in case of our basely disappointing her, may league with our Enemy for our destruction and for a division of the Spoils. He was aware of the risks to which such a league w^d expose France, of finally losing her share, but supposed that the British Islands might be made hostages for her security. He said America was too prone to depreciate political merit, & to suspect where there was no danger; that the honor of the King of F. was dear to him, that he never w^d betray or injure us unless he s^d be provoked & justified by treachery on our part. For the present he acquiesced in the proposition of the Sec^y of F^a A^s. But when the question should come to be put, he s^d be for a much more decisive resolution.

Mr. Rutledge said he hoped the character of our Ministers would not be affected much less their recall produced by declamations ag^t them; and that facts would be ascertained & stated before any decision s^d be passed; that the C^t de Vergennes had expressly declared to our Ministers his desire that they might treat apart, alluded to & animadverted upon the instruction which submitted them to French councils; was of opinion that the separate article did not concern France & therefore there was no necessity for communicating it to her; & that as to Spain she deserved nothing at our hands, she had treated us in a manner that forfeited all claim to our good offices or our confidence. She had not as had been supposed entered into the present war as an ally to our ally and for our support; but as she herself had declared, as a principal and on her own account. He s^d he was for adhering religiously to the spirit and letter of the treaty with France, that our Ministers had done so, and if recalled or censured for the part they had acted, he was sure no man of spirit would take their place. He concluded with moving that the letter from the Sec^y for F. A. might be referred to a special Comm^s, who might enquire into all the facts relative to the subject of it. Mr. Holten 2^d the motion.

Mr. Williamson was opposed to harsh treatment of Ministers who had shown great ability. He said they had not infringed the

Treaty, and as they had received the concurrence of the C: de Vergennes for treating apart they had not in that respect violated their instruction. He proposed that Congress sh^d express to the Ministers their concern at the separate article & leave them to get over the embarrassment as they sh^d find best.

Mr. Mercer in answer to Mr. Rutledge said that his language with respect to the Ministers was justified by their refusal to obey instructions, censured wth great warmth the servile confidence of Mr. Jay in particular in the British Ministers. He said the separate article was a reproach to our character, and that if Congress w^d not themselves disclose it he himself would disclose to his Constituents, who would disdain to be united with those who patronize such dishonorable proceedings. He was called to order by the Presid^t, who said that the article in question was under an injunction of secrecy & he could not permit the orders of the House to be trampled upon.

Mr. Lee took notice that obligations in national affairs as well as others ought to be reciprocal & he did not know that France had ever bound herself to like engagements as to concert of negotiation with those into which America had at different times been drawn. He thought it highly improper to censure Ministers who had negotiated well, said that it was agreeable to practice & necessary to the end proposed, for Ministers in particular emergencies to swerve from strict instructions. France he said wanted to sacrifice our interests to her own or to those of Spain, that the French answer to the British Memorial contained a passage which deserved attention on this subject. She answered the reproaches of perfidy contained in that Memorial, by observing that obligations being reciprocal, a breach on one side absolved the other. The C: de Vergennes he was sure, was too much a Master of negotiation not to approve the management of our Ministers instead of condemning it. No man lamented more than he did any diminution of the confidence between this country & France, but if the misfortune should ensue it could not be denied that it originated with France, who has endeavoured to sacrifice our territorial rights, those very rights which by the Treaty she had guarantied to us. He wished the preliminary articles had not been signed without the knowledge of France but was persuaded that in whatever light she might view it, she was too sensible of the necessity of our Independence to her safety ever to abandon it. But let no censure fall on our Ministers who had upon the whole done what was best. He introduced the instruction of June 15, 1781, proclaimed it to be the greatest opprobrium and stain to this country which it had ever

exposed itself to, & that it was in his judgment the true cause of that distrust & coldness which prevailed between our Ministers & the French Court, inasmuch as it could not be viewed by the former without irritation & disgust. He was not surprised that those who considered France as the Patron rather than the Ally of this Country should be disposed to be obsequious to her, but he was not of that number.

Mr. Hamilton urged the propriety of proceeding with coolness and circumspection. He thought it proper in order to form a right judgment of the conduct of our Ministers, that the views of the French & British Courts should be examined. He admitted it as not improbable that it had been the policy of France to procrastinate the definitive acknowledgm^t of our Independence on the part of G. B., in order to keep us more knit to herself & untill her own interests could be negotiated. The arguments however, urged by our Ministers on this subject, although strong, were not conclusive; as it was not certain that this policy & not a desire of excluding obstacles to peace had produced the opposition of the French Court to our demands. Caution & vigilance he thought were justified by the appearance & that alone. But compare this policy with that of G. B., survey the past cruelty & present duplicity of her councils, behold her watching every occasion & trying every project for dissolving the honorable ties which bind the U. S. to their Ally, & then say on which side our resentments & jealousies ought to lie. With respect to the instructions submitting our Ministers to the advice of France, he had disapproved it uniformly since it had come to his knowledge, but he had always judged it improper to repeal it. He disapproved also highly of the conduct of our Ministers in not shewing the preliminary articles to our Ally before they signed them, and still more so of their agreeing to the separate article. This conduct gave an advantage to the Enemy which they would not fail to improve for the purpose of inspiring France with indignation & distrust of the U. S. He did not apprehend (with Mr. Mercer) any danger of a coalition between F. & G. B. against America, but foresaw the destruction of mutual Confidence between F. & the U. S. which w^d be likely to ensue, & the danger which would result from it in case the war should be continued. He observed that Spain was an unwise nation, her policy narrow & jealous, her King old, her Court divided & the heir apparent notoriously attached to G. B. From these circumstances he inferred an apprehension that when Spain sh^d come to know the part taken by America with respect to

her a separate treaty of peace might be resorted to. He thought a middle course best with respect to our Ministers; that they ought to be commended in general; but that the communication of the separate article ought to take place. He observed that our Ministers were divided as to the policy of the C^t of France, but that they all were agreed in the necessity of being on the watch against G. B. He apprehended that if the Ministers were to be recalled or reprehended, that they would be disgusted & head & foment parties in this Country. He observed particularly with respect to Mr. Jay, that altho' he was a man of profound sagacity & pure integrity, yet he was of a suspicious temper, & that this trait might explain the extraordinary jealousies which he professed. He finally proposed that the Ministers s^d be commended & the separate article communicated. This motion was 2^d^{ed} by Mr. Osgood, as compared however with the proposition of the Secr^y for F. A., and so far only as to be referred to a Committee.

Mr. Peters favored a moderate course as most advisable. He thought it necessary that the separate article should be communicated, but that it w^d be less painful to the feelings of the Ministers if the doing it was left to themselves; and was also in favor of giving the territory annexed by the separate art. to W. Florida, to such power as might be invested with that Colony in the Treaty of peace.

Mr. Bland said he was glad that every one seemed at length to be struck with the impropriety of the instruction submitting our Ministers to the advice of the French Court. He represented it as the cause of all our difficulties & moved that it might be referred to the Com^s, with the several propositions which had been made. Mr. Lee 2^d^{ed} the motion.

Mr. Wilson objected to Mr. Bland's motion as not being in order. When moved in order perhaps he might not oppose the substance of it. He said he had never seen nor heard of the instruction it referred to until this morning; and that it had really astonished him; that this Country ought to maintain an upright posture between all nations. But however objectionable this step might have been in Cong^s, the magnanimity of our Ally in declining to obtrude his advice on our Ministers ought to have been a fresh motive to their confidence and respect. Altho' they deserved commendation in general for their services; in this respect they do not. He was [of] opinion that the spirit of the treaty with France forbade the signing of the preliminary articles without her previous consent; and that the separate article ought to be disclosed; but as the merits of our Ministers entitled them to the mildest & most delicate mode in which it c^d be done,

he wished the communication to be left to themselves as they w^d be the best judges of the explanation which ought to be made for the concealment; & their feelings w^d be less wounded than if it were made without their intervention. He observed that the separate article was not important in itself & became so only by the mysterious silence in which it was wrapt up. A candid and open declaration from our Ministers of the circumstances under which they acted and the necessity produced by them of pursuing the course ~~they meant to pursue~~ marked out by the interest of their Country, w^d have been satisfactory to our Ally, w^d have saved their own honor, and would not have endangered the objects for which they were negotiating.

Mr. Higginson contended that the facts stated by our Ministers justified the part they had taken.

Mr. Madison expressed his surprise at the attempts made to fix the blame of all our embarrassments on the instruction of June 15, 1781, when it appeared that no use had been made of the power given by it to the C^t of France, that our Ministers had construed it in such a way as to leave them at full liberty; and that no one in Cong^s pretended to blame them on that acc^t. For himself he was persuaded that their construction was just; the advice of France having been made a guide to them only in cases where the question respected the concessions of the U. S. to G. B. necessary & proper for obtaining peace & an acknowledg^t of Indep^t: not where it respected concessions to other powers & for other purposes. He reminded Congress of the change which had taken place in our affairs since that instruction was passed, and remarked the probability that many who were now perhaps loudest in disclaiming, would under the circumstances of that period have been the foremost to adopt it.¹ He admitted that the change of circumstances had rendered it inapplicable, but thought an express repeal of it might at this crisis at least have a bad effect. The instructions he observed for disregarding which our Ministers had been blamed, and which if obeyed would have prevented the dilemma now felt, were those which required them to Act in concert & in confidence with our ally; and these instructions he said had been repeatedly confirmed in every stage of the Revolution by unanimous votes of Congress; Several of the Gentlemen present²

¹ The Committee who reported the instruction were Mr. Carroll, Mr. Jones, Mr. Witherspoon Mr. Sullivan & Mr. Matthews. Mr. Witherspoon was particularly prominent throughout. [Note in MS.]

² Mr Bland, Lee & Rutledge. [Note in MS.]

who now justified our Ministers having concurred in them, and one of them ¹ having penned two of the Acts, in one of which Cong^t went farther than they had done in any preceding act; by declaring that they would not make peace until the interests of our allies and friends, as well as of the U. S. s^d be provided for.

As to the propriety of communicating to our Ally the separate article, he thought it resulted clearly from considerations both of national honor & national security. He said that Congress having repeatedly assured their ally that they would take no step in a negotiation but in concert & in confidence with him, and hav^e even published to the world solemn declarations to the same effect, would if they abetted this concealment of their Ministers be considered by all nations as devoid of all constancy & good faith; unless a breach of these assurances & declarations c^d be justified by an absolute necessity or some perfidy on the part of France; that it was manifest no such necessity could be pleaded, & as to perfidy on the part of France, nothing but suspicions & equivocal circumstances had been quoted in evidence of it, & even in these it appeared that our Ministers were divided; that the embarrassm^t in which France was placed by the interfering claims of Spain & the U. S. must have been foreseen by our Ministers, and that the impartial public would expect that instead of co-operating with G. B. in taking advantage of this embarrassment, they ought to have made every allowance & given every facility to it consistent with a regard to the rights of their Constituents; that admitting every fact alledged by our Ministers to be true, it could by no means be inferred that the opposition made by France to our claims was the effect of any hostile or ambitious designs ag^t them, or of any other design than that of reconciling them with those of Spain; that the hostile aspect w^{ch} the separate art: as well as the concealment of it bore to Spain, would be regarded by the impartial world as a dishonorable alliance with our enemies against the interests of our friends; that notwithstanding the disappointments & even indignities which the U. S. had rec^d from Spain it could neither be denied nor concealed that the former had derived many substantial advantages from her taking part in the war & had even obtained some pecuniary aids; that the U. S. had made professions corresponding with these obligations; that they had testified the important light in which they considered

¹ Mr. Rutledge, he framed in the Committee the first draught of the declaration made in Sep^r last and the instruction ab^t the same time. This was considerably altered but not in that respect. [Note in MS.]

the support resulting to their cause from the arms of Spain by the importunity with which they had courted her alliance, by the concessions with which they had offered to purchase it, and by the anxiety which they expressed at every appearance of her separate negotiations for a peace with the common Enemy.

That our national safety would be endangered by Congress making themselves a party to the concealment of the separate article, he thought could be questioned by no one. No definitive treaty of peace, he observed had as yet taken place, the important articles between some of the belligerent parties had not even been adjusted, our insidious enemy was evidently laboring to sow dissensions among them, the incaution of our Ministers had but too much facilitated them between the U. S. and France; a renewal of the war therefore in some form or other was still to be apprehended & what would be our situation if France & Spain had no confidence in us; and what confidence could they have if we did not disclaim the policy which had been followed by our Ministers.

He took notice of the intimation given by the British Minister to Mr. Adams of an intended expedition from N. York ag^t W. Florida, as a proof of the illicit confidence into which our Ministers had been drawn, & urged the indispensable duty of Cong^s to communicate it to those concerned in it. He hoped that if a Com^s s^d be app^d for w^{ch} however he saw no necessity that this w^d be included in their report and that their report w^d be made with as little delay as possible.

In the event the lett^r from Sec^r of F. A., with all the despatches and the several propositions which had been made, were committed to Mr. Wilson, Mr. Ghorum, Mr. Rutledge, Mr. Clarke & Mr. Hamilton.

THURSDAY MARCH 20.

An instruction from the Legislature of Virg^a to their Delegates ag^t admitting into the Treaty of Peace any stipulation for restoring confiscated property was laid before Congress.

Also resolutions of the Executive Council of Penn^a requesting the Delegates of that State to endeavour to obtain at least a reasonable term for making the payment of British debts stipulated in the preliminary articles lately rec^d.

These papers were committed to Mr. Osgood, Mr. Mercer & Mr. Fitzsimmons.

Mr. Dyer whose vote on the [tenth] day of [March] frustrated the commutation of the half pay made a proposition substantially the

same w^{ch} was committed. This seemed to be extorted from him by the critical state of our affairs, himself personally & his State being opposed to it.

The Motion of Mr. Hamilton on the Journals, was meant as a testimony on his part of the insufficiency of the report of the Com^s as to the establishm^t of revenues, and as a final trial of the sense of Cong^s with respect to the practicability & necessity of a *general* revenue equal to the public wants. The debates on it were chiefly a repetition of those used on former questions relative to that subject.

Mr. Fitzsimmons on this occasion declared that on mature reflection he was convinced that a *complete* general revenue was unattainable from the States, was impracticable in the hands of Congress, and that the modified provision reported by the Com^s if established by the States w^d restore public credit among ourselves. He apprehended however that no *limited* funds w^d procure loans abroad, which w^d require funds commensurate to their duration.

Mr. Higginson described all attempts of Cong^s to provide for the public debts out of the mode prescribed by the Confederation, as nugatory; s^d that the States w^d disregard them, that the impost of 5 Pr C^t had passed in Mass^{ts} by 2 voices only in the lower, & one in the upper house; and that the Gov^t never formally assented to the law; that it was probable this law w^d be repealed, & almost certain that the extensive plans of Congress would be reprobated.

FRIDAY MARCH 21.

The Report on Revenue was taken into consideration; and the 5 & 6 paragraphs after discussion being judged not sufficiently explicit were recommitted to be made more so.

A motion was made by Mr. Clarke, 2^ded by Mr. Bland to complete so much of the report as related to an impost on Trade & send it to the States immediately apart from the residue.

In support of this motion it was urged that the Impost was distinct in its nature was more likely to be adopted & ought not therefore to be delayed or hazarded by a connection with the other parts of the Report. On the other side it was contended that it was the duty of Cong^s to provide a system adequate to the public exigencies; & that such a system w^d be more likely to be adopted by the States than any partial or detached provision, as it would comprise objects agreeable as well as disagreeable to each of the States, and as all of them w^d feel a greater readiness to make mutual concessions & to

disregard local considerations in proportion to the magnitude of the object held out to them.

The motion was disagreed to, N. J. being in favor of it & several other States divided.

SATURDAY 22 MARCH.

A letter was rec^d from Gen^l Washington inclosing his address to the convention of Officers with the result of their consultations. This dissipation of the cloud which seemed to have been gathering afforded great pleasure on the whole to Congress; but it was observable that the part which the Gen^l had found it necessary & thought it his duty, to take, would give birth to events much more serious if they s^d not be obviated by the establishment of such funds as the Gen^l, as well as the army, had declared to be necessary.

The report of the com^e on Mr. Dyer's motion, in favor of a commutation for the half pay was agreed to. The preamble was objected to, but admitted at the entreaty of Mr. Dyer who supposed the considerations recited in it w^d tend to reconcile the State of Con^t to the measure.

An order passed for granting 35 licenses for vessels belonging to Nantucket, to secure the Whaling vessels agst the penalty for double papers. This order was in consequence of a deputation to Cong^s representing the exposed situation of that island, the importance of the Whale fishery to the U. S., the danger of its being usurped by other nations & the concurrence of the Enemy in neutralizing such a number of Vessels as w^d carry on the ~~business~~ fisheries in an extent necessary for the ~~subsistence of the people~~ support of the inhabitants.

The Com^e, to whom was referred the letter from the Sec^y of F. A. with the foreign despatches &c reported

1. That our Ministers be thanked for their zeal & services in negotiating the preliminary articles.

2. that they be instructed to make a communication of the separate article to the Court of France, in such way as would best get over the concealment.

3. that the Sec^y of F. A. inform them that it is the wish of Congress that the preliminary articles had been communicated to the Court of France before they had been executed.

Mr. Dyer said he was opposed to the whole report; that he fully approved of every step taken by our Ministers as well towards G. B. as towards France; that the separate article did not concern the

interests of France and therefore could not involve the good faith of the U. S.

Mr. Lee agreed fully with Mr. Dyer, said that a special report of facts ought to have been made as necessary for enabling Cong^s to form a just opinion of the conduct of the Ministers, and moved that the report might be recommitted. Mr. Wolcott 2^d^{ad} the motion which was evidently made for the sole purpose of delay. It was opposed by Mr. Clarke, Mr. Wilson and Mr. Ghorum the 1st & last of whom had however no objection to postponing; by Mr. Mercer who repeated his abhorrence of the confidence shewn by our Ministers to those of G. B. said that it was about to realize the case of those [who] kicked down the ladder by w^{ch} they had been elevated, & of the viper which was ready to destroy the family of the man in whose bosom it had been restored to life, observed that it was unwise to prefer G. B. to Spain as our neighbours in W. Florida.

Mr. Higginson supported the sentiments of Mr. Lee, s^d that the C^t de V. had released our Ministers & that he agreed with those who thought the instruction of June 15. c^d relate only to questions directly between G. B. & U. S.

Mr. Holten thought there was no sufficient evidence for praise or blame; and that both ought to be suspended untill the true reasons s^d be stated by the Ministers. He supposed that the separate article had been made an ultimatum of the preliminaries by G. B. and that there might also be secret art^s between G. B. and F. If the latter were displeased he conceived that she w^d officially notify it. Mr. Rutledge was ag^t recommitting but for postponing. The motion for recomm^s was disagreed to, but several States being for postponing, the vote was no index as to the main question.

It had been talked of among sundry members as very singular that the British Minister should have confided to Mr. Adams an intended expedition from N. Y. ag^t W. Florida; as very reprehensible in the latter to become the depository of secrets hostile to the Friends of his Country, and that every motive of honor and prudence made it the duty of Cong^s to impart the matter to the Spaniards. To this effect a motion was made by Mr. Mercer 2^d^{ad} by Mr. Madison. But it being near the usual hour of adjournment, the house being agitated by the debates on the separate article; and a large proportion of members predetermined ag^t every measure w^{ch} seemed in any manner to blame the Ministers & the Eastern delegates in general extremely jealous of the honor of Mr. Adams, an adjournment was pressed & carried without any vote on the motion.

MONDAY MARCH 24TH.

On the day preceding this, intelligence arrived which was this day laid before Cong^s, that the Preliminaries for a general peace had been signed on the 20th of Jan^r. This intelligence was brought, by a French Cutter from Cadiz despatched by C^t d'Estaing to notify the event to all vessels at sea, and engaged by the zeal of the Marquis de la Fayette to convey it to Congress. This confirmation of peace produced the greater joy, as the preceding delay, the cautions of Mr. Laurens's Letter of the 24 of Dec^r and the general suspicions of L^d Shelburne's sincerity had rendered an immediate & general peace extremely problematical in the minds of many.

A letter was rec^d from Gen^l Carleton thro Gen^l Washington inclosing a copy of the Preliminary articles between G. B. & the U. S., with the separate article annexed.

Mr. Carroll after taking notice of the embarrassment under which Cong^s were placed by the injunction of secrecy as to the separate article after it had probably been disclosed in Europe & it now appeared was known at N. York, called the attention of Cong^s again to that subject.

Mr. Wolcot still contended that it would be premature to take any step relative to it, until further communications should be rec^d from our Ministers.

Mr. Gilman being of the same opinion, moved that the business be postponed. Mr. Lee 2^d^d it.

Mr. Wilson conceived it indispensably necessary that something should be done; that Cong^s deceived themselves if they supposed that the separate art[:] was any secret at N. York after it had been announced to them from S^r Guy Carleton. He professed a high respect for the character of the Ministers which had received fresh honor from the remarkable steadiness and great abilities displayed in the negotiations but that their conduct with respect to the separate article could not be justified. He did not consider it as any violation of the instruction of June 15th 1781, the C^t de Vergennes having happily released them from the obligation of it. But he considered it with the signing of the preliminaries secretly as a violation of the spirit of the Treaty of Alliance as well as of the unanimous professions to the Court of France, unanimous instructions to our Ministers, & unanimous declarations to the world, that nothing should be discussed towards peace but in confidence and in concert with our Ally. He made great allowance for the Ministers, saw how they were affected and the reasons of it, but could not subscribe to the Opinion that Cong^s ought

to pass over the separate article in the manner that had been urged; Cong^s ought he said to disapprove of it in the softest terms that could be devised & at all events not to take part in its concealment.

Mr. Bland treated the separate article with levity and ridicule; as in no respect concerning France, but Spain with whom we had nothing to do.

Mr. Carroll thought that, unless something expressive of our disapprobation of the article and of its concealment, was done, that it would be an indelible stain on our character.

Mr. Clarke contended that it was still improper to take any step, either for communicating officially, or for taking off the injunction of secrecy, that the article concerned Spain, and not France, but that if it s^d be communicated to the latter she would hold herself bound to communicate it to the former; that hence an embarrassment might ensue; that it was probably this consideration which led the Ministers to the concealment, and he thought they had acted right. He described the awkwardness attending a communication of it under present circumstances; remarking finally that nothing had been done contrary to the Treaty, and that we were in possession of sufficient materials ¹ to justify the suspicions w^h had been manifested.

Mr. Rutledge was strenuous for postponing the subject, said that Cong^s had no occasion to meddle with it, that the Ministers had done right, that they had maintained the honor of the U. S. after Congress had given it up; that the manœuvre practiced by them was common in all courts & was justifiable ag^t Spain who alone was affected by it; that instructions ought to be disregarded whenever the public good required it; and that he himself would never be bound by them when he thought them improper.

Mr. Mercer combated the dangerous tendency of the Doctrine maintained by Mr. Rutledge with regard to instructions; and observed that the Delegates of Virg^s hav^e been unanimously instructed not to conclude or discuss any Treaty of Peace but in confidence & in concert with his M. C. M. he conceived himself as much bound as he was of himself inclined to disapprove every other mode of proceeding, and that he should call for the yeas & nays on the question for his justification to his constituents.

Mr. Bland tartly said that he of course was instructed as well as his colleague & s^d himself require the yeas & nays to justify an opposite conduct, that the instructions from his constituents went no farther than to prohibit any *Treaty* without the concurrence of

¹Alluding probably to the intercepted letter from M. de Marbois. [Note in MS.]

our Ally; ¹ which prohibition had not been violated in the case before Congress.

Mr. Lee was for postponing & burying in oblivion the whole transaction; he s^d that delicacy to France required this; since if any thing should be done implying censure on our Ministers, it must & ought to be done in such a way as to fall ultimately on France whose unfaithful conduct had produced & justified that of our Ministers. In all national intercourse he said a reciprocity was to be understood; and as France had not communicated her views & proceedings to the American Plenipotentiaries, the latter were not bound to communicate theirs. All instructions he conceived to be conditional in favor of the public good; and he cited the case mentioned by S^r W^m Temple in which the Dutch Ministers concluded of themselves an Act which required the previous sanction of all the members of the Republic.

Mr. Hamilton said that whilst he despised the man who w^d enslave himself to the policy even of our Friends he could not but lament the overweening readiness which appeared in many to suspect everything on that side & to throw themselves into the bosom of our enemies. He urged the necessity of vindicating our public honor by renouncing that concealment to which it was the wish of so many to make us parties.

Mr. Wilson in answer to Mr. Lee observed that the case mentioned by S^r W^m T. was utterly inapplicable to the case in question; adding that the conduct of France had not on the principle of reciprocity, justified our Ministers in signing the provisional preliminaries without her knowledge, no such steps having been taken on her part. But whilst he found it to be his duty thus to note the faults of these gentlemen, he with much greater pleasure gave them praise for their firmness in refusing to treat with the British Negotiator until he had produced a proper commission, in contending for the fisheries, and in adhering to our Western claims.

Congress adjourned without any question.

TUESDAY.

No Congress.

WEDNESDAY MARCH 26.

Communication was made, thro' the Sec^y of F. A., by the Minister of France, as to the late negotiation, from letters rec^d by him from the C^t de Vergennes, dated in Dec^r last & brought by the *Washington*

¹ This construction of the instructions was palpably wrong. [Note in MS.]

Packet. This communication shewed, though delicately, that France was displeased with our Ministers for signing the preliminary¹ separately; that she had labored by recommending mutual concessions to compromise disputes between Spain & the U. S., and that she was apprehensive that G. B. would hereafter as they already had endeavored to sow discords between them. It signified that the "intimacy between our Ministers & those of G. B." furnished a handle for this purpose.

Besides the public communication to Congress other parts of letters from the C^t de Vergennes were privately communicated to the Presid^t of Cong^s & to sundry members, expressing more particularly the dissatisfaction of the C^t of F. at the conduct of our Ministers; and urging the necessity of establishing permanent revenues for paying our debts & supporting a national character. The substance of these private communications, as taken on the 23 instant by the President, is as follows:

"That the C^t de Vergennes was alarmed at the extravagant demands of Doc^t Franklin in behalf of the U. S.; that he was surprised at the same time that the inhabitants paid so little attention to doing something for themselves. If they could not be brought to give adequate funds for their defence during a dangerous war, it was not likely that so desirable an end could be accomplished when their fears were allayed by a general peace; that this reasoning affected the credit of the U. S., and no one could be found who would risque their money under such circumstances; that the King would be glad to know what funds were provided for the security and payment of the 10 Million borrowed by him in Holland, that the Count de Vergennes hardly dared to report in favor of the U. S. to the King and Council, as money was so scarce that it would be with the greatest difficulty that even a small part of the requisition could be complied with. The causes of this scarcity were—a five years' war which had increased the expences of Government to an enormous amount—the exportation of large sums of specie to America for the support & pay of both French & English armies—the loans to America—the stoppage of Bullion in S. America, which prevented its flowing in the usual channels."¹ A letter of later date added

"That he had received the Chev^r's letter of Oct^r and rejoiced to find that Congress had provided funds for their debts, which gave

¹ Another cause mentioned was the large balance of specie in favor of the N[eu]tral Powers during the war. [Note in MS.]

him great encouragem^t, and had prevailed on the Comptroller General to join him in a report to his Majesty & Council for 6 Million of livres for the U. S. to support the war, but assures the Chevalier de la Luzerne, that he must never again consent to a further application.

“He complains of being treated with great indelicacy by the American Commiss^{rs}, they having signed the Treaty without any confidential communication, that had France treated
 Negotiations. America with the same indelicacy she might have signed her Treaty first as every thing between France & England was settled, but the King chose to keep faith with his allies, and therefore always refused to do any thing definitively, till all his allies were ready; that this conduct had delayed the definitive Treaty, England having considered herself as greatly strengthened by America; that Doc^t Franklin waited on C^t de Vergennes & acknowledged the indelicacy of their behavior & had prevailed on him to bury it in oblivion; that the English were endeavouring all in their power to sow seeds of discords between our Commiss^{rs} & the Court of Spain, representing our claims to the Westward as extravagant and inadmissible; that it became Congress to be attentive to this business, & to prevent the ill effects that it might be attended with; that the King had informed the Court of Spain, that tho’ he heartily wished that the U. S. might enjoy a cordial coalition with his Cat^y Majesty, yet he should leave the whole affair entirely to the two States and not interfere otherwise than as by his counsel and advice when asked; that altho’ the U. S. had not been so well treated by Spain as might have been expected, yet that his Majesty wished that America might reap the advantage of a beneficial Treaty with Spain. That as the peace was not yet certain, it became all the powers at war, to be ready for a vigorous campaign, and hoped Cong^{rs} would exert themselves to aid the common cause by some offensive operations against the Enemy, but if the British should evacuate the U. S., the King earnestly hoped Cong^{rs} would take the most decided measures to prevent any intercourse with the British, and particularly in the way of merchandize or supplying them with provisions, w^{ch} would prove of the most dangerous tendency to the campaign in the W. Indies; that the British now had hopes of opening an extensive trade with America, tho’ the war should continue, which, if they should be disappointed in, might hasten the definitive Treaty, as it would raise a clamor among the people of England.

"The Chev^r added that as he had misinformed his Court with regard to Cong^s having funded their debts, on which presumption the 6 Mil^o had been granted, he hoped Cong^s would enable him in his next despatches to give some satisfactory account to his Court on this head."

THURSDAY, MARCH 27.

This day not noted in the Journal, as in some other instances.

Revenues taken up as reported Mar. 7.

The 5 paragraph in the Report on Revenue hav^e been judged not sufficiently explicit, and recommitted to be made more so, the following paragraph was rec^d in its place viz "That it be further recommended to the several States, to establish for a term limited to 25 years, and to appropriate" &c (to the word 2 Million of dollars annually) "which proportions shall be fixed and equalized from time to time according to such rule as is or may be prescribed by the Articles of Confederation; and in case the revenues so established and appropriated by any State shall at any time yield a sum exceeding its proportion, the excess shall be refunded to it, and in case the same shall be found to be defective the immediate deficiency shall be made good as soon as possible, and a future deficiency guarded against by an enlargement of the Revenues established provided that untill the rule of the Confederation can be applied, the proportions of the 2,000,000 of dollars aforesaid shall be as follows, viz"—

This amendment was accepted; a motion of Mr. Clarke to restrain this apportionm^t, in the first instance, to the term of 2 years, being first negatived. He contended that a valuation of land would probably never take place, and that it was uncertain whether the rule of numbers w^d be substituted, and therefore that the first apportionment might be continued throughout the 25 years, altho it must be founded on the present relative wealth of the States, which would vary every year, in favor of those which are the least populous.

This reasoning was not denied, but it was thought that such a limitation might leave an interval in which no apportionment w^d exist, when a confusion would proceed, & that an apprehension of it would destroy public Credit.

A motion was made by Mr. Bland, 2^d by Mr. Lee to go back to the first part of the report and instead of the word "*levy*" an impost of 5 Per C., to substitute the word "*collect*" an impost &c. It was urged in favor of this motion that the first word imported a legislative idea, & the latter an executive only, and consequently the latter

might be less obnoxious to the States. On the other side it was said that the States would be governed more by things than by terms; that if the meaning of both was the same, an alteration was unnecessary; that if not, as seemed to be the case, an alteration would be improper. It was particularly apprehended, that if the term "collect" were to be used, the States might themselves fix the *mode* of collection; whereas it was indispensable that Cong^s s^d have that power as well that it might be varied from time to time as circumstances or experience s^d dictate, as that a uniformity might be observed throughout the States. On the motion of Mr. Clarke, the negative was voted by a large Majority, there being 4 ays only.

On (8) parag. there was no arg^t or opposition.

The (9) paragraph being considered by several as inaccurate in point of phraseology, a motion was made by Mr. Madison to postpone it, to take into consideration the following to wit "That in order to remove all objections against a retrospective application of the constitutional rule to the final apportionment on the several States, of the monies & supplies actually contributed in pursuance of requisitions of Congress, it be recommended to the States to enable the U. S. in Cong^s assembl^d to make such equitable abatements & alterations as the particular circumstances of the States from time to time during the war may require, and as will divide the burden of such actual contributions among them in proportion to their respective abilities at the periods at which they were made." On a question for striking out, the original paragraph was agreed to without opposition. On the question to insert the amendment of Mr. M., the votes of the States were, 5 ays, 6 noes, viz N. H. no—Con^s no—N. J. no.—Del^s no.—Maryl^d no.—S. C. no. the rest ay.

On (10) paragraph relative to expences incurred by the States without the sanction of Cong^s, Mr. Clarke exclaimed agst the unreasonableness of burdening the Union with all the extravagant expenditures of particular States; and moved that it might be struck out of the Report. Mr. Helmsly 2^d^d the motion.

Mr. Madison said that the effects of rejecting this paragraph w^d be so extensive that a full consideration of it ought at least to precede such a step; that the expences referred to in the paragraph were in part such as would have been previously sanctioned by Cong^s, if application c^d have been made; since similar ones had been so with respect to States within the vicinity of Cong^s and therefore complaints of injustice would follow a refusal; that another part of the expences had been incurred in support of claims to the territory of which

cessions were asked by Cong^s, and therefore these c^d not be expected, if the expences incident to them should be rejected; that it was probable if no previous assurance were given on this point, it would be made a condition by the States ceding, as the Cessions of territory would be made a condition by the States most anxious to obtain them; that by these means the whole plan would be either defeated, or the part thereof in question be ultimately forced on Cong^s, whilst they might with a good grace yield it in the first instance; not to mention that these unliquidated and unallowed claims would produce hereafter such contests and heats among the States as w^d probably destroy the plan even if it s^d be acceded to by the States without this paragraph.

Mr. Dyer was in favor of the paragraph.

Mr. Rutledge opposed it as letting in a flood of claims which were founded on extravagant projects of the States.

Mr. Higginson and Mr. Ghorum were earnest in favor of it, remarking that the distance of Massachusetts from Cong^s had denied a previous sanction to the Militia operations ag^t General Burgoyne &c. The Penobscot expedition, also, had great weight with them.

Mr. Williamson was in favor of it.

Mr. Wilson said he had always considered this Country with respect to the war as forming one community; and that the States which by their remoteness from Cong^s, had been obliged to incur expences for their defence without previous sanction, ought to be placed on the same footing with those which had obtained this security; but he could not agree to put them on a better which w^d be the case if their expenses should be sanctioned in the lump; he proposed therefore that these expences s^d be limited to such as had been incurred in a *necessary defence*; and of which the object in each case should be approved by Congress.

Mr. Madison agreed that the expressions in the parag^b were very loose, & that it w^d be proper to make them as definite as the case w^d admit; he supposed however that all operations ag^t the enemy within the limits assigned to the U. S. might be considered as defensive, & in that view the expedition ag^t Penobscot might be so called. He observed that the term *necessary* left a discretion in the Judge as well as the term *reasonable*; and that it w^d be best perhaps for Congress to determine & declare that they w^d constitute a tribunal of impartial persons to decide on oath as to the propriety of claims of States not authorized heretofore by Cong^s. Ho s^d this w^d be a better security to the States & w^d be more satisfactory than the decisions of Cong^s, the members of w^{ob} did not act on oath, &

brought with them the Spirit of advocates for their respective States rather than of impartial judges between them. He moved that the clause with Mr. Wilson's proposition be recommitted; which was agreed to without opposition.

(11 and 12 Parag^{hs}). Mr. Bland opposed it: s^d that the value of land was the best rule, and that at any rate no change s^d be attempted untill its practicability s^d be tried.

Mr. Madison thought the value of land, could never be justly or satisfactorily obtained; that it w^d ever be a source of contentions among the States, and that as a repetition of the valuation would be within the course of the 25 years, it w^d unless exchanged for a more simple rule mar the whole plan.

Mr. Ghorum was in fav^r of the parag^{hs}. He represented in strong terms the inequality & clamors produced by valuations of land in the State of Mass^{ts} & the probability of the evils being increased among the States themselves which were less tied together & more likely to be jealous of each other.

Mr. Williamson was in fav^r of the parag^{hs}.

Mr. Wilson was strenuous in favor of it, s^d he was in Cong^s when the Article of Confederation directing a value of land was agreed to, that it was the effect of the impossibility of compromising the different ideas of the Eastern and Southern States as to the value of Slaves compared with the Whites, the alternative in question.

Mr. Clarke was in favor of it. He said that he was also in Cong^s when this article was decided; that the Southern States w^d have agreed to numbers, in preference to the value of land if $\frac{1}{2}$ their Slaves only s^d be included; but that the Eastern States would not concur in that proportion.

It was agreed on all sides that, instead of fixing the proportion by ages, as the report proposed, it would be best to fix the proportion in absolute numbers. With this view & that the blank might be filled up, the clause was recommitted.

FRIDAY MARCH 28.

The Com^s last ment^d reported that two blacks be rated as equal to one freeman.

Mr. Wolcott was for rating them as 4 to 3.

Mr. Carrol as 4 to 1.

Mr. Williamson s^d he was principled agst slavery; and that he thought slaves an incumbrance to Society instead of increasing its ability to pay taxes.

Mr. Higginson as 4 to 3.

Mr. Rutledge s^d, for the sake of the object he w^d agree to rate Slaves as 2 to 1, but he sincerely thought 3 to 1 would be a juster proportion.

Mr. Holten as 4 to 3.

Mr. Osgood s^d he c^d not go beyond 4 to 3.

On a question for rating them as 3 to 2 the votes were N. H., ay. Mas., no. R. I., div^d. Con^t, ay. N. J., ay. P^a, ay. Del^s, ay. Mary^d, no. Virg^a, no. N. C., no. S. C., no.

The Paragraph was then postponed by general consent, some wishing for further time to deliberate on it; but it appearing to be the general opinion that no compromise w^d be agreed to.

After some further discussions on the report in which the necessity of some simple and practicable rule of apportionment came fully into view, Mr. Madison said that in order to give a proof of the sincerity of his professions of liberality, he w^d propose that Slaves should be rated as 5 to 3. Mr. Rutledge 2^d^d the motion. Mr. Wilson s^d he would sacrifice his opinion to this compromise.

Mr. Lee was agst changing the rule, but gave it as his opinion that 2 slaves were not equal to 1 freeman.

On the question for 5 to 3 it passed in the affirmative N. H. ay. Mass. div^d R. I., no. Con^t no. N. J. ay. P^a, ay. Mary^d, ay. V^a, ay. N. C. ay. S. C. ay.

A motion was then made by Mr. Bland, 2^d^d by Mr. Lee to strike out the clause so amended and on the question "shall it stand" it passed in the negative; N. H. ay. Mas: no. R. I. no. Conn. no. N. J., ay. P^a, ay. Del. no. Mar. ay. Virg^a, ay. N. C., ay. S. C., no; so the clause was struck out.

The arguments used by those who were for rating slaves high were, that the expence of feeding & cloathing them was as far below that incident to freemen as their industry & ingenuity were below those of freemen; and that the warm climate within w^{ch} the States having slaves lay, compared wth the rigorous climate & inferior fertility of the others, ought to have great weight in the case & that the exports of the former States were greater than of the latter. On the other side it was said that Slaves were not put to labour as young as the children of laboring families—that, having no interest in their labor, they did as little as possible, & omitted every exertion of thought requisite to facilitate & expedite it; that if the exports of the States having slaves exceeded those of the others, their imports were in proportion, slaves being employed wholly in agriculture, not in manufactures; & that in fact the balance of trade formerly was much more agst the S^e States than the others.

On the main question see Journals.

SATURDAY MARCH 29TH.

The objections urged agst the motion of Mr. Lee on the Journal calling for specific Report of the Sup^t of Finance as to monies passing thro' his hands were that the information demanded from the Office of Finance had during a great part of the period, been laid before Congress & was then actually on the Table—that the term *application* of money was too indefinite no two friends of the motion agreeing in the meaning of it and that if it meant no more than immediate payments under the warrants of the Superintend^t to those who were to expend the money, it was unnecessary, the Superintend^t being already impressed with his duty on that subject; that if it meant the ultimate payment for articles or services for the public, it imposed a task that w^d be impracticable to the Superint^t, and useless to Congress, who could no otherwise examine them than through the department of Accounts & the Committees app^d half yearly for enquiring into the whole proceedings; & that if the motion were free from those objections, it ought to be so varied as to oblige the office of Finance to report the information periodically; since it would otherwise depend on the memory or vigilance of members, and w^d moreover have the aspect of suspicion towards the Officer called upon. N. B. As the motion was made at first, the word “immediately” was used; which was changed for the words “as soon as may be,” at the instance of Mr. Holten.

The object of the motion of Mr. Madison was to define & comprehend every information practicable & necessary for Cong^s to know, & to enable them to judge of the fidelity of their Minister, and to make it a permanent part of his duty to afford it. The clause respecting copies of receipts was found on discussion not to accord with the mode of conducting business, & to be too voluminous a task; but the question was taken without a convenient opportunity of correcting it. The motion was negatived. See the Journal.

MONDAY MARCH 31.

A letter was rec^d from th Gov^r of R. Island with resolutions of the Legislature of that State justifying the conduct of Mr. Howell.

On the arrival of the French Cutter with the acc^t of the signing of the general preliminaries, it was thought fit by Congress to hasten the effect of them by calling in the American Cruisers. It was also thought by all not amiss to notify simply the Intelligence to the British Commanders at N. Y. In addition to this it was proposed by the Sec^y of F. A. and urged by the Delegates of P^a, by Mr. Lee, Mr. Rutledge & others, that Congress should signify their desire &

expectation that hostilities sh^d be suspended at sea on the part of the Enemy. The arguments urged were that the effusion of blood might be immediately stopped & the trade of this Country rescued from depredation. It was observed on the other side that such a proposition derogated from the dignity of Cong^s; shewed an undue precipitancy; that the intelligence was not authentic enough to justify the British commanders in complying with such an overture, and therefore that Cong^s would be exposed to the mortification of a refusal. The former considerations prevailed & a *verbal* sanction was given to Mr. Livingston's expressing to the s^d commanders the expectation of Cong^s, etc. This day their answers were rec^d addressed to Rob^t R. Livingston, Esq^r &c &c &c declining to accede to the ~~suspension~~ stopping of hostilities at sea & urging the necessity of authentic orders from G. B. for that purpose. With their letters Mr. Livingston communicated resolutions proposed from his office, "that in consequence of these letters the orders to the American Cruisers s^d be revoked: and that the Executives s^d be requested to embargo all vessels. Cong^s were generally sensible after the rec^t of these papers that they had committed themselves in proposing to the British Commanders at N. Y., a stop to naval hostilities, & were exceedingly at a loss to extricate themselves. On one side they were unwilling to publish to the world the affront they had rec^d, especially as no written order had been given for the correspondence and on the other it was necessary that the continuance of hostilities at sea should be made known to American Citizens. Some were in favor of the revocation of hostilities, others proposed as Col: Bland & Gen^l Mifflin that the Sec^y of F. A. should be directed verbally to publish the letters from Carleton & Digby. This was negatived. The superinscription was animadverted upon, particularly by Mr. Mercer, who said, that the letters ought to have been sent back unopened. Finally it was agreed that any member might take copies & send them to the press & that the subject should lie over for further consideration.

TUESDAY APRIL 1.

Mr. Ghorum called for the order of the day to wit the Report on Revenue &c and observed as a cogent reason for hastening that business that the Eastern States at the invitation of the Legislature of Mass^s, were with N. Y. about to form a convention for regulating matters of common concern, & that if any plan should be sent out by Cong^s during their session, they would probably co-operate with Cong^s in giving effect to it.

Mr. Mercer expressed great disquietude at this information, considered it as a dangerous precedent, & that it behoved the Gentleman to explain fully the objects of the Convention, as it would be necessary for the S. States to be otherwise very circumspect in agreeing to any plans on a supposition that the general confederacy was to continue.

Mr. Osgood said that the sole object was to guard agst an interference of taxes among the States, whose local situation required such precautions; and that if nothing was definitively concluded without the previous communication to & sanction of Cong^s, the Confederation could not be said to be in any manner departed from; but that in fact nothing was intended that could be drawn within the purview of the federal articles.

Mr. Bland said he had always considered those Conventions as improper & contravening the spirit of the federal Governm^t. He said they had the appearance of young Congresses.

Mr. Ghorum explains as Mr. Osgood.

Mr. Madison & Mr. Hamilton disapproved of these partial conventions, not as absolute violations of the Confederacy, but as ultimately leading to them & in the mean time exciting pernicious jealousies; the latter observing that he wished instead of them to see a General Convention take place & that he s^d soon in pursuance of intructions from his Constituents propose to Cong^s a plan for that purpose; the object w^d be to strengthen the fœderal Constitution.

Mr. White informed Cong^s that N. Hampshire had declined to accede to the plan of ~~a partial~~ the Convention on foot.

Mr. Higginson said that no Gentleman need be alarmed at any rate for it was pretty certain that the Convention would not take place. He wished with Mr. Hamilton to see a General Convention for the purpose of revising and amending the fœderal Government.

These observations having put an end to the subject, Cong^s resumed the Report on Revenue &c. Mr. Hamilton who had been absent when the last question was taken for substituting numbers in place of the value of land, moved to reconsider that vote. He was 2^d by Mr. Osgood. See the Journal. Those who voted differently from their former votes were influenced by the conviction of the necessity of the change and despair on both sides of a more favorable rate of the slaves. The rate of $\frac{3}{4}$ was agreed to without opposition. On a preliminary question, the apportionm^t of the sum & revision of the same ref^d to Grand Com^t:

The Report as to the Resignation of Foreign Ministers was taken up & on the case of Mr. Jefferson. See Journal. The Eastern delegates were averse to doing anything as to Mr. Adams untill further

advices s^d be received. Mr. Laurens was indulged not without some opposition. The acceptance of his resignation was particularly enforced by Mr. Izard.

WEDNESDAY AP^l 3.—TUESDAY AP^l 4.—FRIDAY AP^l 5.—SATURDAY AP^l 6.

See Journals.¹

The Grand Com^e appointed to consider the proportions for the blank in the Rep^t on Revenue &c, reported the following, grounded on the number of Inhabitants in each State; observing that N. H., R. I., Con^t, & Mar^t had produced authentic documents of their numbers; & that in fixing the numbers of other States, they had been governed by such information as they could obtain. They also reduced the interest of the aggregate debt 2,500,000 D^r^s

	N ^o of Inhab ^t s	proportions of 1,000.	proportions of 1½ Mil ^l s
N. H.	82,200	35	52,500
Mas:	350,000	148	222,000
R. I.	50,400	21	31,500
Con ^t	206,000	87	130,500
N. Y.	200,000	85	127,500
N. J.	130,000	55	82,500
Pen ^a	320,000	136	204,000
Del.	35,000	15	22,500
Mar ^t	220,700	94	141,000
Virg ^a	400,000	169	² 253,000
N. C.	170,000	72	108,000
S. C.	170,000	72	108,000
Georg ^a	25,000	11	16,500
	2,359,300	1,000	1,500,000
			annual int ^t
			of debt after
			deducting
			1,000,000 D ^r ^s
			expected
			from Impost
			on Trade.

A Com^e, consisting of Mr. Hamilton, Mr. Madison and ——— (See Journal) was appointed to report the proper arrangements to be taken in consequence of peace. The object was to provide a system for

¹ The dates are so given in the MS. but should read, Wednesday, April 2, Thursday, April 3, Friday, April 4, and Saturday, April 5. The proceedings on April 4 are the only ones recorded in the journals.

² The correct amount for Virginia is 253,500, as shown by the footing and the entry in the Journal April 7.

foreign affairs, for Indian affairs, for military and naval peace establishments; and also to carry into execution the regulation of weights and measures and other articles of the Confederation not attended to during the war. To the same Com^s was referred a resolution of the Executive Council of P^a, requesting the delegates of that State to urge Cong^s to establish a general peace with the Indians.

MONDAY APRIL 7.

The sense of Cong^s having been taken on the truth of the numbers reported by the Grand Committee, the n^o allotted to S. C. was reduced to 150,000, on the representation of the Delegates of that State. The Delegates of N. J. contended also for a reduction, but were unsuccessful. Those of Virg^a also, on the principle that Cong^s ought not to depart from the relative numbers given in 1775, without being required by actual returns which had not been obtained either from that State or others whose relation w^d be varied. To this reasoning were opposed the verbal and credible information rec^d from different persons & particularly Mr. Mercer, which made the n^o of Inhabitants in V^a, after deducting $\frac{2}{3}$ of the Slaves, exceed the number allotted to that State. Cong^s were almost unanimous ag^t the reduction. A motion was made by Mr. Gervais, 2^d by Mr. Madison to reduce the n^o of Georgia to 15,000., on the probability that their real n^o did not exceed it, & the cruelty of overloading a State which had been so much torn & exhausted by the war. The motion met with little support & was almost unanimously negatived.

A letter was rec^d from Gen^l Washington expressing the joy of the army at the signing of the general preliminaries notified to him & their satisfaction at the commutation of half pay agreed to by Cong^s

TUESDAY APRIL 8TH.

Estimate of the debt of the U. S., reported by the Grand Committee.

FOREIGN DEBT.

To the Farmers General of France	Liv ^{rs}	1,000,000
To Beaumarchais		3,000,000
To King of France, to the end of 1782		28,000,000
To d ^e for 1783		6,000,000
	Liv ^{rs}	38,000,000=\$7,037,037
Rec ^d on loan in Holland, 1,678,000 florins		671,200
Borrowed in Spain by Mr. Jay		150,000
In ^t on Dutch one year, at 4 P ^r C ^t		26,848
Total for: debt		<u>\$7,885,085</u>

DOMESTIC DEBT.

Loan Office	\$11,463,802
Interest unpaid for 1781	190,000
Do 1782	¹ 687,823
Credit to sundry persons on Treasury books	638,042
Army debt to 31 D ^r : 1782	5,635,618
Unliquidated d ^r	8,000,000
Deficiencies in 1783	2,000,000
	<hr/>
Total dom: debt	\$28,615,290
	<hr/>
Aggregate debt	<u>\$36,500,375</u>

INTEREST.

On for: debt, 7,885,085, at 4 Per C ^t	\$315,403
On dom: do., 28,615,290, at 6 do	1,716,917
On com: $\frac{1}{2}$ pay, estimated 5,000,000 at 6 do	300,000
Bounty to be p ^d , estim ^d 500,000, at do	30,000
	<hr/>
Aggreg of In ^t	<u>\$2,362,320</u>

A motion was made by Mr. Hamilton who had been absent on the question on the 9th paragraph of the Report on Revenue assessing quotas, to reconsider the same. Mr. Floyd who, being the only delegate from N. Y. then present on that question c^d not vote, 2^d^{ed} the motion. For the arg^t repeated see the former remarks on the 7th of Ap^l

On the question the votes were Mas: no. R. I. no. Con^t no. N. Y. ay. N. J. no. P^a ay. Mary^d, no. Virg^a ay. S. C. no.

WEDNESDAY APRIL 9.

A memorial was rec^d from Gen^l Hazen in behalf of the Canadians who had engaged in the cause of the U. S., praying that a tract of vacant land on L. Erie might be allotted to them.

Mr. Wilson thereupon moved that a Com^s be appointed to consider and report to Congress the measures proper to be taken with respect to the Western Country. In support of his motion he observed on the importance of that Country, the danger from immediate emigrations of its being lost to the public; and the necessity on the part of Congress of taking care of the federal interests in the formation of new States which could not take place by the authority of any particular States.

¹ The correct amount is 687,828. See Journal April 29.

Mr. Madison observed that the appointment of such a Com^e could not be necessary at this juncture & might be injurious; that Cong^s were about to take in the report on Revenue &c the only step that could now be properly taken viz to call again on the States claiming the W. Territory to cede the same; that until the result s^d be known every thing w^d be premature and w^d excite in the States irritations & jealousies that might frustrate the Cessions; that it was indispensable to obtain these Cessions, in order to Compromise the disputes, & to derive advantage from the territory to the U. S.; that if the motion meant merely to prevent irregular settlements, the recommendation to that effect ought to be made to the States—that if ascertaining & disposing of garrisons proper to be kept up in that Country was the object it was already in the hands of the Com^e on the peace arrangements, but might be expressly referred to them.

Mr. Mercer supported the same ideas.

Mr. Clarke considered the motion as nowise connected with peace arrangements; his object was to define the western limits of the States which Cong^s alone c^d do, and which it was necessary they s^d do in order to know what territory properly belonged to the U. S., and what steps ought to be taken relative to it. He disapproved of repeatedly courting the States to make *Cessions* w^{ch} Cong^s stood in no need of.

Mr. Wilson seemed to consider as the property of the U. S. all territory over which particular States had not exercised jurisdiction particularly N. W. of Ohio, & said that within the Country confirmed to the U. S. by the Provisional articles, there must be a large Country over which no particular claims extended.

He was answered that the exercise of jurisdiction was not the criterion of the territorial rights of the States; that Pen^s had maintained always a contrary doctrine; that if it were a criterion V^s had exercised jurisdiction over the Illinois & other places conquered N. W. of the Ohio; that it was uncertain whether the limits of the U. S., as fixed by the Prov^l Art^s, did comprehend any territory out of the claims of the individual States; that s^d it be the case a decision or examination of the point had best be put off till it s^d be seen whether Cessions of the States w^d not render it unnecessary; that it c^d not be immediately necessary for the purpose of preventing settle^{ts} on such extra lands, since they must lie too remote to be in danger of it. Congress refused to refer the motion to the Com^e on peace arrangements, and by a large majority referred it to a Special Com^e, viz M^rs Osgood,

Wilson Madison, Carrol & Williamson; to whom was also referred the Mem^l of Gen^l Hazen.

On the preceding question, Con^t was strenuous in fav^r of Mr. Wilson's motion.

A motion was made by Mr. Dyer to strike out the drawback on salt fish &c. Mr. Ghorum protested in the most solemn manner that Mass^{ts} w^d never accede to the plan without the drawback. The motion was very little supported.

THURSDAY AP^l 10.

Letters rec^d from Gen^l Carleton & Admiral Digby inclosing British proclamation of cessation of arms & also letters from Doc^t Franklin & Mr. Adams notifying the conclusion of Preliminaries between G. B. & F. & Spain, with a declaration entered into with Mr. Fitzherbert applying the epochs of cessation to the case of G. B. & U. S. These papers were referred to Sec^y of F. A. to report a proclamation for Cong^s at 6 O'Clock, at which time Cong^s met & rec^d report nearly as it stands on the Journal of Friday Ap^l 11. After some consideration of the Report as to the accuracy & propriety of which a diversity of sentiments prevailed, they postponed it till next day. The Sec^y also reported a Resolution directing Sec^y at War and Agent of Marine to discharge all prisoners of war.

FRIDAY AP^l 11.

This day was spent in discussing the Proclamation which passed. Mr. Wilson proposed an abbreviation of it which was disagreed to. The difficultys attending it were that 1st the Agreement of our Ministers with Fitzherbert that the Epochs with Spain as well as France s^d be applied to the U. S. to be computed from the ratifications which happened at different times, the former on the 3^d, the latter the 9th, of Feb^r; 2^d the circumstance of the Epochs having passed at w^{ch} the Cessation of hostilities was to be enjoined. The impatience of Cong^s did not admit of proper attention to these & some other points of the Proclamation; particularly the authoritative style of enjoining an observance on the U. S., the Gov^{rs} &c. It was ag^d these absurdities & improprieties that the solitary *no* of Mr. Mercer was pointed. See the Journal.

SATURDAY AP^l 12.

A letter of the 16th of Dec^r O. S. was rec^d from Mr. Dana, in which he intimates that in consequence of news of peace taking place

& independence being acknowledged by G. B. he expected soon to take his proper station at the C^t of St. Petersburg and to be engaged in forming a Commercial Treaty with her Imperial Majesty.

Mr. Madison observed that as no powers or instructions had been given to Mr. Dana relative to a Treaty of Commerce, he apprehended there must be some mistake on the part of Mr. Dana; that it w^d be proper to inquire into the matter & let him know the intentions of Cong^s on this subject. The letter was committed to Mr. Madison Mr. Gorham & Mr. Fitzsimmons.

Mr. Rutledge observed that as the instructions to Foreign Ministers now stood it was conceived they had no powers for commercial stipulations other than such as might be comprehended in a definitive Treaty of Peace with G. B. He said he did not pretend to commercial knowledge but thought it w^d be well for the U. S. to enter into commercial Treaties with all nations & particularly with G. B. He moved therefore that the Com^s s^d be instructed to prepare a General Report for that purpose.

Mr. Madison & Mr. Fitzsimmons thought it w^d be proper to be very circumspect in fettering our trade with stipulations to foreigners, that as our stipulations w^d extend to all the possessions of the U. S. necessarily—& those of foreign Nations hav^s colonies to part of their possessions only; and as the most fav^d nations enjoyed greater privileges in the U. S. than elsewhere, the U. S. gave an advantage in Treaties on this subject; & finally that negotiations ought to be carried on here, or our Ministers directed to conclude nothing without previously reporting every thing for the sanction of Cong^s. It was at length agreed that the Com^s s^d report the general state of instructions existing on the subject of Commercial Treaties.

Congress took into consideration the report of Sec^r for F. A. for immediately setting at liberty all prisoners of war & ratifying the provisional articles. Several members were extremely urgent on this point from motives of Oeconomy. Others doubted whether Cong^s were bound thereto, & if not bound whether it would be proper. The first question depended on the import of the provisional articles, which were very differently interpreted by different members. After much discussion from which a general opinion arose of extreme inaccuracy & ambiguity as to the force of those articles, the business was committed to Mr. Madison, Mr. Peters & Mr. Hamilton who were also to report on the expediency of ratifying the said articles immediately.

MONDAY APRIL 14.

The Committee on the report of Secretary of foreign Aff^{rs} reported as follows, Mr. Hamilton dissenting:

1. That it does not appear that Congress are any wise bound to go into the ratification proposed. "The Treaty" of which a ratification is to take place, as mentioned in the 6th of the provisional articles, is described in the title of those articles to be "a Treaty of Peace proposed to be concluded between the Crown of G. B. and the said U. S., but which is not to be concluded until terms of Peace shall be agreed upon between G. B. & France." The Act to be ratified therefore is not the Prov^d articles themselves, but an Act *distinct,—future,—and even contingent*. Again altho' the Declaratory Act entered into on the 20th Jan^y last, between the American & British Plenipotentiaries relative to a cessation of hostilities, seems to consider the contingency on which the prov^d articles were suspended as hav^g taken place, yet that act cannot itself be considered as the "*Treaty of Peace meant to be concluded*;" nor does it stipulate that either the prov^d articles or the act itself should be ratified in America; it only engages that the U. S. shall cause hostilities to cease on their part, an engagement which was duly fulfilled by the Proclamation issued on the 11th instant; lastly it does not appear from the correspondence of the American Ministers, or from any other information, either that such ratification was expected from the U. S. or intended on the part of G. B.; still less that any exchange of mutual ratifications has been in contemplation.

2. If Congress are not bound to ratify the articles in question, the Com^o are of opinion that it is inexpedient for them to go immediately into such an Act; inasmuch as it might be thought to argue that Congress meant to give to those articles the quality & effect of a definitive Treaty of Peace with G. B., tho' neither their allies nor friends have as yet proceeded farther than to sign preliminary articles; and inasmuch as it may oblige Cong^s to fulfil immediately all the stipulations contained in the prov^d articles, tho' they have no evidence that a correspondent obligation will be assumed by the other party.

3. If the ratification in question be neither obligatory nor expedient, the Com^o are of opinion, that an immediate discharge of all prisoners of war, on the part of the U. S., is premature and unadvisable; especially as such a step may possibly lessen the force of demands for a reimbursement of the sums expended in the subsistence of the prisoners.

Upon these considerations the Com^s recommend that a decision of Cong^s on the papers referred to them be postponed.

On this subject a variety of sentiments prevailed.

Mr. Dyer, on a principle of frugality was strenuous for a liberation of the prisoners.

Mr. Williamson thought Cong^s not obliged to discharge the Prisoners previous to a definitive treaty, but was willing to go into the measure as soon as the public honor would permit. He wished us to move *pari passu*, with the British Com^{mander} [at New York]. He suspected that that place would be held till the interests of the Tories should be provided for.

Mr. Hamilton contended that Congress were bound by the tenor of the Prov^l Treaty immediately to Ratify it, and to execute the several stipulations inserted in it; particularly that relating to discharge of Prisoners.

Mr. Bland thought Cong^s not bound.

Mr. Elseworth was strenuous for the obligation and policy of going into an immediate execution of the Treaty. He supposed that a ready & generous execution on our part w^d accelerate the like on the other part.

Mr. Wilson was not surprised that the obscurity of Treaty s^d produce a variety of ideas. He thought upon the whole that the Treaty was to be regarded as "contingently definitive."

The Report of the Com^s being not consonant to the prevailing sense of Cong^s, it was laid aside.

TUESDAY APRIL 15.

The ratification of the Treaty & discharge of prisoners again agitated. For the result in a unanimous ratification see secret Journal of the day; the urgency of the majority producing an acquiescence of most of the opponents to the measure.

WEDNESDAY APRIL 16.

Mr. Hamilton acknowledged that he began to view the *obligation* of the pro^l Treaty in a different light and in consequence wished to vary the direction to the Com^{mander} in chief from a positive to a preparatory one as his motion on the Journal states.

THURSDAY APRIL 17.

Mr. Madison with the *permission* of the Com^s on Revenue reported the following clause to be added to the 10 paragraph in the first report viz

“And to the end that convenient provision may be made for determining in all such cases how far the expences may have been reasonable as well with respect to the object thereof as to the means for accomplishing it, thirteen commiss^{rs} namely one out of each State shall be appointed by Congress, any seven of whom (having first taken an oath for the faithful and impartial execution of their trust) who shall concur in the same opinion, shall be empowered to determine finally on the reasonableness of all claims for expences incurred by particular States as aforesaid; and in order that such determinations may be expedited as much as possible, the Commiss^{rs} now in appointment for adjusting acc^{ts} between the U. S. and individual States, shall be instructed to examine all such claims & report to Cong^s such of them as shall be supported by satisfactory proofs, distinguishing in their reports the objects and measures in which the expences shall have been incurred; provided that no balances which may be found due under this regulation, or the Resolutions of the ——— day of ———, shall be deducted out of the preceding Revenues; but shall be discharged by separate requisitions to be made on the States for that purpose.”

In support of this proposition it was argued that in a general provision for public debts and public tranquillity satisfactory measures ought to be taken on a point w^{ch} many of the States had so much at heart, & which they w^d not separate from the other matters proposed by Congress; that the nature of the business was unfit for the decision of Cong^s, who brought with them the spirit of advocates rather than of Judges, and besides required more time than could be spared for it.

On the opposite side some contended that the Acc^{ts} between U. S. & particular States s^d not be made in any manner to encumber those between the former and private persons. Others thought that Cong^s could not delegate to Com^{rs} a power of allowing claims for which the Confed^{on} req^d nine States. Others were unwilling to open so wide a door for claims on the Common Treasury.

On the question, Mas^{rs} divided. Con^t ay. R. I^d no. N. Y. no. N. J. no. P^a no. Mary^d no. V^a ay. N. C. no. S. C. no.

FRIDAY APRIL 18.

Application was made from the Council of P^a for determination of Cong^s as to the effect of the acts terminating hostilities, on Acts to be enforced during the war. Cong^s declined giving any opinion.

The motion of Mr. Bland for striking out recommendation to the States which had agreed to cede territory, to revised & *complete* their Cessions, raised a long debate. In favor of the motion it was urged by Mr. Rutledge that the proposed Cession of V^a ought to be previously considered and disallowed; that otherwise a renewal of the recommendation w^d be offensive; that it was possible the Cession might be accepted in which case the renewal w^d be improper. Virg^a, he observed alone could be alluded to as having complied in part only.

Mr. Wilson went largely into the subject. He said, *If the investigation of right* was to be considered, the U. S. ought rather to make cessions to individual States than receive Cessions from them, the extent of the Territory ceded by the Treaty being larger than all the States put together; that when the claims of the States came to be limited on principles of right, the Alleghany Mountains would appear to be the true boundary; this could be established without difficulty before any Court, or the Tribunal of the World. He thought however policy req^d that such a boundary s^d be established as w^d give to the Atlantic States access to the Western Waters. *If accommodation* was the object, the clause ought by no means to be struck out. The Cession of Virg^a could never be accepted because it guaranteed to her the Country as far as the Ohio, which never belonged to Virg^a. (Here he was called to order by Mr. Jones.) The question he s^d must be decided. The indecision of Cong^s had been hurtful to the interests of the U. S. If compliance of V^a was to be sought she ought to be urged to comply fully.

For the vote in the affirmative, with the exception of Virg^a & S. Carol. see Journal.

The plan of Revenue was then passed as it had been amended, all the States present concurring except R. I., w^{ch} was in the negative and N. Y., w^{ch} was divided Mr. Floyd ay and Mr. Hamilton no.

MONDAY APRIL 21.

A motion was made by Mr. Hamilton, 2^d^{ed} by Mr. Madison, to annex, to the plan of the 18th instant, the part omitted relating to expences incurred by individual States. On the question, N. York, Pen^a & Virg^a alone were in the affirmative, Con^t & Georgia not present.

TUESDAY AP^r 22.

See Journal.

WEDNESDAY APRIL 23.

The resolution permitting the soldiers to retain their arms was passed at the recommendation of Gen^l Washington. See letter on the files.

The resolution for granting furloughs or discharges was a compromise between those who wished to get rid of the expence of keeping the men in the field, and those who thought it impolitic to disband the army whilst the British remained in the United States.

APRIL 24.

See Journal.

FRIDAY 25 AP!

SATURDAY APRIL 26.

Address to the States passed nem. con. It was drawn up by Mr. Madison.¹ The address to Rh. I^d referred to as No. 2, had been drawn up by Mr. Hamilton.

The writer of these notes absent till Monday May 5th

MONDAY MAY 5.

Mr. Bland & Mr. Mercer moved to erase from the Journal the resolution of Friday, the 2^d inst^l applying for an addition of three Millions to the grant of six millions, by H. M. Xth Majesty, as in part of the loan of four Millions requested by the Resolution of September 14, 1782. As the resolution of the 2^d had been passed by fewer than nine States, they contended that it was unconstitutional. The reply was that as the three Millions were to be part of a loan heretofore authorized, the sanction of nine States was not necessary. The motion was negatived, the two movers alone voting in the Affirmative.

TUESDAY MAY 6.

A motion was made by Mr. Lee to recommend to the several States to pass laws indemnifying Officers of the Army for damages sustained by individuals from Acts of such officers rendered necessary in the execution of their military functions. It was referred to Mr. Lee, Mr. Williamson & Mr. Clarke.

He proposed also that an Equestrian Statue should be erected to General Washington.

¹ According to the Journal the address to the States was agreed to April 24.

A report from the Sec^y of For: Affairs of a Treaty of Commerce to be entered into with G. Britain, was referred to Mr. Fitzsimmons, Mr. Higginson, Mr. Rutledge, Mr. Hemsley & Mr. Madison.

WEDNESDAY MAY 7.

The Resolution moved yesterday by Mr. Lee for indemnifying military Officers, being reported by the Committee, was agreed to.

The Committee on a motion of Mr. Dyer, reported "that the States which had settled with their respective lines of the Army for their pay since Aug. 1. 1780, should receive the securities which would otherwise be due to such lines."

The Report was opposed on the ground that the settlements had not been discharged in the value due. The Notes issued in payment by Connecticut were complained of, as being of little value.

The Report was disagreed to. See Journal.

THURSDAY MAY 8.

Mr. Bland suggested that the Prisoners of War should be detained, until an answer be given as to the delivery of slaves, represented in a letter from Mr. Thomas Walke to be refused on the part of S^r Guy Carleton.

On his motion seconded by Mr. Williamson it was ordered that the letter be sent to Gen: Washington for his information, in carrying into effect the Resolution of Ap^l 15. touching arrangements with the British Commander for delivery of the posts, negroes &c.

A Portrait of Don Galvez was presented to Congress by Oliver Pollock.

FRIDAY MAY 9.

A question on a Report relating to the occupying the Posts when evacuated by the British was postponed by Virginia in right of a State.

Mr. Dyer moved a recommendation to the States to restore confiscated property conformably to the Provisional Articles. The motion produced a debate which went off without any positive result.

Adjourned to Monday.

MONDAY MAY 12.

See Journal.

TUESDAY MAY 13.

No Congress.

WEDNESDAY MAY 14.

Mr. Hamilton & Mr. Elsworth moved a call on the States, to fulfil the recommendation relative to the Tories. After some remarks on the subject, the House adjourned.

THURSDAY MAY 15.

See Journal. The Report relating to the Dep^t of For. Affairs taken up, and, after some discussion of the expediency of raising the salary of the Sec^r Congress adjourned.

FRIDAY MAY 16.

See Journal.

SATURDAY MAY 17.

No Congress.

MONDAY MAY 19.

Spent in debating the Report recommending provision for Tories according to the Provisional Artic^ls of peace.

TUESDAY MAY 20.

On the proposal to discharge the troops who had been enlisted for the war (amounting to ten thousand men,) from the want of means to support them;

Mr. Carroll urged the expediency of caution, the possibility that advantage might be taken by G. B. of a discharge both of prisoners and of the army, and suggested the middle course, of furloughing the troops.

Mr. Dyer was strenuous for getting rid of expence; considered the war at an end; that G. B. might as well renew the war after the definitive Treaty as now; that not a moment ought to be lost in disburdening the public of needless expence.

Mr. Rutledge viewed the conduct of G. B. in so serious a light that he almost regretted having voted for a discharge of Prisoners. He urged the expediency of caution, and of consulting the Commander in Chief. He accordingly moved that the Report be referred to him for his opinion & advice. The motion was seconded by Mr. Izard.

Mr. Clarke asked whether any military Operation was on foot that the Commander in Chief was to be consulted. This was a national question, which the National Council ought to decide. He was ag^t furloughing the men because they would carry their arms with them. He said we were at peace, & complained that some could not separate the idea of a Briton from that of cutting throats.

Mr. Ellsworth enlarged on the impropriety of submitting to the Commander in Chief a point on which he could not possess competent materials for deciding. We ought either to discharge the men engaged for the war or to furlough them. He preferred the former.

Mr. Mercer diseanted on the insidiousness of G. B., and warmly opposed the idea of laying ourselves at her merey that we might save fifty thousand dollars; altho' Congress knew that they were violating the Treaty as to Negroes.

Mr. Williamson proposed that the Soldiers be furloughed. Mr. Carroll seconded him, that the two modes of furlough & discharge might both lye on the table.

By general consent this took place.

The Report as to confiseated property, on the Instructions from Virg^a & Penn^a, was taken up, & agreed to be recommitted, together with a motion of Mr. Madison to provide for the case of Canadian refugees & for settlement of acc^{ts} with the British, and a motion of Mr. Hamilton to insert, in a definitive Treaty, a mutual stipulation not to keep a naval force on the Lakes.

WEDNESDAY MAY 21.

THURSDAY MAY 22.

See the Secret Journal for these two days.

The passage relating to the armed neutrality was generally concurred in for the reasons which it expresses.

The disagreements on the questions relating to a Treaty of Commerce with Russia were occasioned chiefly by sympathies, particularly in the Massachusetts Delegation with Mr. Dana; and by an eye in the navigating & Ship building States to the Russian Articles of Iron and Hemp. They were supported by S. Carolina, who calculated on a Russian market for her rice.

FRIDAY MAY 23.

The Report from M^r Hamilton, Mr Gorham and Mr Peters, in favor of discharging the soldiers enlisted for the war, was supported on the ground that it was called for by Economy and justified by the degree of certainty that the war would not be renewed. Those who voted for furloughing the soldiers wished to avoid expence, and at the same time to be not wholly unprepared for the contingent failure of a definitive treaty of peace. The view of the subject taken by those who were opposed both to discharging and furloughing, were explained in a motion by Mr. Mercer seconded by Mr. Izard to assign as reasons, first that S^r Guy Carleton had not

given satisfactory reasons for continuing at N. York, second, that he had broken the Articles of the provisional Treaty relative to the negroes, by sending them off.

This motion appeared exceptionable to several, particularly to Mr. Hamilton & rather than it should be entered on the Journal by yeas & nays, it was agreed that the whole subject should lye over.

The Report relating to the Department of For. Affairs being taken up; Mr. Carroll seconded by Mr. Williamson moved that no public Minister should be employed by the U. S. except on extraordinary occasions.

In support of the proposition it was observed that it would not only be economical, but would withhold our distinguished Citizens from the corrupting scenes at foreign Courts, and what was of more consequence would prevent the residence of foreign Ministers in the U. S., whose intrigues & examples might be injurious both to the Gov^t & to the people.

The considerations suggested on the other side were that Diplomatic relations made part of the established policy of modern civilized nations, that they tended to prevent hostile collisions by mutual & friendly explanations & that a young Republic ought not to incur the odium of so singular & as it might be thought disrespectful innovation. The discussion was closed by an Adjournment till Monday.

MONDAY MAY 26.

The Resolutions on the Journal instructing the Ministers in Europe to remonstrate agst the carrying off the Negroes; also those for furloughing the troops passed *unanimously*.

TUESDAY 27 MAY
WEDNESDAY 28 MAY } No Congress.

THURSDAY MAY 29.

The report of the Committee concerning Interest on British debts was committed, after some discussion.

FRIDAY MAY 30.

The debates on the Report recommending to the States a compliance with the 4th 5th & 6th of the provisional articles were renewed; the report being finally committed nem. con. See Secret Journal.

The Report, including the objections to interest on the British debts, was also agreed to *nem. con.*; not very cordially by some who were indifferent to the objects; and by others who doubted the mode of seeking it by a new stipulation.

MONDAY AND TUESDAY JUNE 2 AND 3.

See Journal.

WEDNESDAY JUNE 4.

The Report of the Committee for giving to the Army certificates for land was taken up. After some discussion of the subject, some members being for and some ag^t making the certificates transferable it was agreed that the Report should lie on the table.

For what passed in relation to the Cession of vacant territory by Virg^a see the Journal.

Whilst Mr. Hamilton's motion relating to Mr. Livingston, Secretary of For. aff^{rs} was before the House, Mr. Peters moved, in order to detain Mr. Livingston in office, that it be declared, by the seven States present, that the Salary ought to be augmented. To this it was objected 1. that it would be an assumption of power in 7 States to say what 9 States ought to do. 2. that it might ensnare Mr. Livingston. 3. that it would commit the present States, who ought to be open to discussion when 9 States should be on the floor. The motion of Mr. Peters being withdrawn, that of Mr. Hamilton was agreed to.

THURSDAY JUNE 5.

See Journal.

FRIDAY JUNE 6.

The Report as to the territorial Cession of Virg^a after some uninteresting debate was adjourned.

MONDAY JUNE 9TH.

Not States enough assembled to make a Congress. Mr. Clarke signified to those present, that the Delegates of N. Jersey being instructed on the subject of the Back lands he should communicate the Report thereon to his Constituents.

TUESDAY JUNE 10.

The Report on the Cession of Virg^a was taken up. Mr. Elsworth urged the expediency of deciding immediately on the Cession. Mr. Hamilton joined him, asserting at the same time the right of the

U. States. He moved an amendment in favor of private claims. Mr. Clarke was strenuous for the right of the U. S., and ag^t waiting longer, (this had reference to the absence of Maryland which had always taken a deep interest in the question.) Mr. Gorham supported the policy of acceding to the Report. Mr. Fitzsimmons recommended a postponement of the question, observing that he had sent a copy of the Report to the Maryland Delegates. The President (Mr. Boudinot) was for a postponement till the sense of N. Jersey be known. The Delaware Delegates expecting instructions were for postponing till Monday next. It was agreed at length that a final vote should not be taken till that day, Mr. M. yielding to the sense of the House, but warning that the opportunity might be lost by the rising of the Legislature of Virga.

Mr. Hamilton & Mr. Peters with permission, moved for a recommitment of the Report, in order to provide for Crown titles within the territory reserved to the State. Mr. Madison objected to the motion, since an amendment might be prepared during the week & proposed on Monday next. This was acquiesced in. It was agreed that the President might informally notify private companies & others as well as the Maryland Delegates of the time at which the Report would be taken into consideration.

The order of the day for appointing a Secretary of For: Affairs was called for, & none having been put in nomination, the order was postponed. Mr. Bland then nominated Mr. Arthur Lee. Mr. Gorham nominated Mr. Jefferson, but being told he would not accept, then named Mr. Tilghman. Mr. Higginson nominated Mr. Jonathan Trumbull. Mr. Montgomery nominated Mr. George Clymer. It was understood that Gen^l Schuyler remained in nomination.

WEDNESDAY JUNE 11.

See Journals, secret and public.

THURSDAY JUNE 12.

The Instruction in the *Secret* Journal touching the principles &c of the Neutral Confederacy, passed unanimously.

The Resolution as reported by the Committee, being in a *positive* style, and *eight* States only being present, the question occurred whether nine States were not necessary. To avoid the difficulty a negative form was given to the Resolution, by which the preamble became somewhat unsuitable. It was suffered to *pass* however rather than risk the experiment of further alteration.

FRIDAY JUNE 13.

The mutinous memorial from the Sergeants was rec^d and read. It excited much indignation & was sent to the Secretary at War.

MONDAY JUNE 16.

No Congress.

TUESDAY JUNE 17.

The day was employed chiefly in considering the Report on the Journal relative to the Department of Finance. Some thought it ought to lie on the files; some that it ought to receive a vote of approbation, and that the Superintendent, should, for the period examined, be acquitted of further responsibility. Mr. Gorham particularly was of that opinion. Finally the Report was entered on the Journal without any Act of Congress thereon, by a unanimous concurrence.

WEDNESDAY JUNE 18.

Nothing done.

THURSDAY JUNE 19.

A motion ¹ was made by Mr. Williamson seconded by Mr. Bland, to recommend to the States to make it a part of the Confederation,

¹ Motion of Mr. Williamson 2^d by Mr. Bland June 19, 1783, comitted to Mr. Williamson, Mr. Hamilton & Mr. Madison.

Whereas the safety and peace of the U. S. are greatly interested in the n^o of States that may be req^d to vote on Questions of a particular class: and whereas it is provided by the 9th article of the Confederation that the U S in C as^d shall never engage in a war nor grant letters of marque & reprisal in time of peace, nor enter into any Treaties or Alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums & expences necessary for the defence & welfare of the U. S. or any of them, nor emit bills nor borrow money on the Credit of the U. S. nor appropriate money nor agree upon the n^o of Vessels of War to be built or purchased or the n^o of land or Sea forces to be raised, nor app^t a Com^rder in chief of the army or Navy, unless nine States assent to the same. It is also provided by the eleventh art: That no Colony except Canada shall be admitted into the Union unless such admission be agreed to by nine States, but no provision is made for the n^o of States that may be req^d to agree in determining such questions when the pres^t n^o of States shall have been increased:

And Whereas the determination of these great questions by 9 States alone when the orig^l n^o may be considerably increased w^d be a manifest departure from the Spirit of the Confederation & might prove dangerous to the Union,

Therefore Res^d that whenever a 14 State s^d be admit^d into the pres^t Union, the vote and agre^t of 10 S^ts shall become necess^y for determg all those quest^s in the Conf^d of U. S. w^{ch} are now determ^d by no less than 9.

Res^d that the ass^t of 3 add^l States shall be necess^y in determg those questions for every 4 add^l Sts that may be adm^d into the Union.

Res^d that the sev^l Sts be advised to authorise their respective Deleg^s to subscribe & ratify the above Resolves as part of the instrum^t of Union. [Note in MS.]

that whenever a *fourteenth* State should be added to the Union, *ten* votes be required in cases now requiring nine. It was committed to Mr. Williamson, Mr. Hamilton and Mr. Madison. The motion had reference to the foreseen erection of the western part of N. Carolina into a separate State.

Information was rec^d by Congress, from the Executive Council of Pennsylvania, that 80 Soldiers, who would probably be followed by the discharged soldiers of Armand's Legion were on the way from Lancaster to Philadelph^a in spite of the expostulations of their officers, declaring that they would proceed to the seat of Congress and demand justice, and intimating designs agst the Bank. This information was committed to Mr. Hamilton, Mr. Peters, and Mr. Ellsworth, for the purpose of conferring with the Executive of Pennsylvania and taking such measures as they should find necessary. The Committee after so conferring informed Congress, that it was the opinion of the Executive that the Militia of Philadelph^a would probably not be willing to take arms before their resentments should be provoked by some actual outrage; that it would hazard the authority of Gov^t to make the attempt, & that it would be necessary to let the soldiers come into the city, if the officers who had gone out to meet them could not stop them.

At this information Mr. Izard Mr. Mercer & others being much displeased, signified that if the City would not support Congress, it was high time to remove to some other place. Mr. Wilson remarked that no part of the U. States was better disposed towards Congr^s than Pennsylvania, where the prevailing sentiment was, that Congress had done every thing that depended on them. After some conversation, and directing Gen^l St. Clair, who had gone out of town, to be sent for, and it appearing that nothing further could be done at present, Congress adjourned. The Sec^y at War had set out for Virginia yesterday. It was proposed to send for him, but declined as he had probably gone too great a distance, and Gen^l St. Clair, it was supposed, would answer.

FRIDAY JUNE 20.

The Soldiers from Lancaster came into the City under the guidance of sergeants. They professed to have no other object than to obtain a settlement of Accounts, which they supposed they had a better chance for at Philadelphia than at Lancaster. (See the Report of the Committee on that subject.)

The Report of the Committee (see the Journal) on the territorial Cession of Virg^a being taken up, & the amendment on the Journal proposed by Mr. McHenry & Mr. Clarke, being lost, Mr. Bedford proposed that the second condition of the Cession be so altered as to read "that in order to comply with the said Condition, so far as the same is comprised within the Resolution of Oct^r 10, 1780, on that subject, Commissioners as proposed by the Committee, be appointed" &c and that instead of "for the purposes mentioned in the said Condition," be substituted "agreeable to that Resolution." In support of this alteration, it was urged by Mr. McHenry, Mr. Bedford, & Mr. Clarke that the terms used by Virginia were too comprehensive & indefinite. In favor of the Report of the Committee, it was contended by Mr. Ellsworth that the alteration was unreasonable inasmuch as *Civil* expences were on the same footing of Equity as *Military* and that a compromise was the object of the Committee. Sundry members were of opinion that Civil expences were comprised in the Resolution of Oct. 10. 1780. Mr. Bland & Mr. Mereer acceded to the alteration proposed. Mr. Madison alone dissented, and therefore did not insist on a call for the votes of the States. Mr. McHenry moved but without being seconded "that the Commissioners instead of deciding finally should be authorized to report to Congress only."

In the course of debate Mr. Clarke laid before Congress the Remonstrance of New Jersey as entered on the Journal.

As the Report had been postponed at the instance of the President and other Delegates of N. Jersey, in order to obtain this answer from their Constituents, and as the Remonstrance was dated on the 14th of June, and was confessed privately by Mr. ———, to have been in the possession of the Delegates on Monday last, an unfairness was complained of. They supposed that if it had been laid before Congress sooner the copy which would have been sent by the Virg^a Delegates might hasten the opening of the Land Office of that State. Mr. Clarke said there were still good prospects, and he did not doubt that the time would yet come when Congress would draw a line limiting the States to the westward and say thus far shall ye go and no farther.

Mr. Bedford moved that with respect to the 4th & 5th Conditions of the Cessions, "it be declared, that Clark & his men, & the Virginia Line, be allowed the same bounty beyond the Ohio as was allowed by the U. S. to the same Ranks." This motion was seconded by ———; Congress adjourned without debating it; there being seven States only present and the spirit of compromise decreasing.

From several circumstances there was reason to believe that R. Island, N. Jersey, Pennsylvania & Delaware, if not Maryland also retained latent views of confining Virginia to the Alleghany Mountains.

Notice was taken by Mr. Madison of the error in the Remonstrance, which recites "that Congress had declared the Cession of Virginia to be a partial one."

SATURDAY JUNE 21, 1783.

The mutinous soldiers presented themselves, drawn up in the street before the State House, where Congress had assembled. The executive Council of the State sitting under the same roof, was called on for the proper interposition. President Dickinson came in, and explained the difficulty under actual circumstances, of bringing out the militia of the place for the suppression of the mutiny. He thought that without some outrages on persons or property, the temper of the militia could not be relied on. Gen^l St. Clair then in Philad^a was sent for, and desired to use his interposition, in order to prevail on the troops to return to the Barracks. His report gave no encouragement.

In this posture of things, it was proposed by Mr. Izard that Cong^s sh^d adjourn. It was proposed by Mr. Hamilton, that Gen^l St. Clair in concert with the Executive Council of the State should take order for terminating the mutiny. Mr. Reed moved that the Gen^l sh^d endeavour to withdraw the troops by assuring them of the disposition of Cong^s to do them justice. It was finally agreed that Cong^s sh^d remain till the usual hour of adjournment, but without taking any step in relation to the alledged grievances of the Soldiers, or any other business whatever. In the meantime the Soldiers remained in their position, without offering any violence, individuals only occasionally uttering offensive words and wantonly pointed their Muskets to the Windows of the Hall of Congress. No danger from premeditated violence was apprehended, But it was observed that spirituous drink from the tippling houses adjoining began to be liberally served out to the Soldiers, & might lead to hasty excesses. None were committed however, and about 3 O'C., the usual hour Cong. adjourned; the Soldiers, tho in some instances offering a mock obstruction, permitting the members to pass thro their ranks. They soon afterwards retired themselves to the Barracks.

In the Evening Congress re-assembled and passed the resolutions on the Journal, authorizing a Committee to confer anew with the

Executive of the State and in case no satisfactory grounds sh^d appear for expecting prompt & adequate exertions for suppressing the mutiny & supporting the Public authority, authorizing the President, with the advice of the Committee, to summon the members to meet at Trenton or Princeton in New Jersey.

The conference with the Executive produced nothing but a repetition of doubts concerning the disposition of the militia to act unless some actual outrage were offered to persons or property. It was even doubted whether a repetition of the insult to Congress would be a sufficient provocation.

During the deliberations of the Executive, and the suspense of the Committee, Reports from the Barracks were in constant vibration. At one moment the Mutineers were penitent & preparing submissions; the next they were meditating more violent measures. Sometimes the bank was their object; then the seizure of the members of Congress with whom they imagined an indemnity for their offence might be stipulated. On Tuesday about 2 O'Clock, the efforts of the State authority being despaired of, & the Reports from the Barracks being unfavorable, the Committee advised the President to summon Congress to meet at Princeton which he did verbally as to the members present, leaving behind him a general Proclamation for the Press.

After the departure of Cong^s, the Mutineers submitted, and most of them accepted furloughs under the Resolution of Congress, on that subject. At the time of submission they betrayed their leaders the chief of whom proved to be a Mr. Carberry a deranged officer, and a Mr. Sullivan a Lieutenant of Horse; both of whom made their escape. Some of the most active of the Sergeants also ran off.

STANDING COMMITTEES

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STANDING COMMITTEES.

Committee of the week.

6 January,	1783.	Jonathan Elmer Jonathan Arnold Oliver Ellsworth
13 January,	1783.	Eliphalet Dyer Jonathan Arnold Silas Condict
20 January,	1783.	Theodorick Bland Benjamin Hawkins John Montgomery
27 January,	1783.	Arthur Lee Samuel Wharton John Collins
4 February,	1783.	Richard Peters James Madison Samuel Holten
10 February,	1783.	John Francis Mercer John Collins Hugh Williamson
17 February,	1783.	Eliphalet Dyer John Lewis Gervais John Montgomery
25 February,	1783.	William Hemsley Benjamin Hawkins Phillips White
3 March,	1783.	Abraham Clark Thomas Sim Lee Stephen Higginson
10 March,	1783.	Oliver Wolcott Gunning Bedford, Jr. David Ramsay
17 March,	1783.	William Floyd. John Montgomery Eleazer McComb

24 March,	1783. No appointment is recorded for this week.
31 March,	1783. John Francis Mercer Phillips White Samuel Holten
7 April,	1783. Oliver Ellsworth James Wilson Stephen Higginson
14 April,	1783. Benjamin Hawkins John Collins Gunning Bedford, Jr.
21 April,	1783. William Hemsley Samuel Osgood Stephen Higginson
28 April,	1783. Eliphalet Dyer Samuel Holten Arthur Lee
5 May,	1783. James Madison Stephen Higginson John Francis Mercer
12 May,	1783. John Montgomery Jonathan Arnold Thomas Mifflin
19 May,	1783. Thomas FitzSimons Ralph Izard Eliphalet Dyer
26 May,	1783. John Collins Benjamin Hawkins Ralph Izard
2 June,	1783. Eleazer McComb John Montgomery Gunning Bedford, Jr.
10 June,	1783. Jonathan Arnold Silas Condict Eleazer McComb
17 June,	1783. Jacob Read James McHenry John Montgomery
24 June,	1783. No appointment is recorded for this week.

30 June,	1783.	William Ellery Jacob Read Jonathan Arnold
8 July,	1783.	Gunning Bedford, Jr. John Francis Mercer Abraham Clark
16 July,	1783.	James Duane Arthur Leo Jacob Read
23 July,	1783.	James Madison David Howell Silas Condict
28 July,	1783.	Samuel Holten Richard Beresford Eleazer McComb
5 August,	1783.	Theodorick Bland John Francis Mercer Stephen Higginson
11 August,	1783.	Ezra L'Hommedieu Abiel Foster James Wilson
18 August,	1783.	Elbridge Gerry Ralph Izard John Francis Mercer
25 August,	1783.	Jacob Read Abiel Foster William Ellery
1 September,	1783.	Joseph Jones John Montgomery Ezra L'Hommedieu
8 September,	1783.	Hugh Williamson Benjamin Huntington Benjamin Hawkins
15 September,	1783.	John Montgomery Abraham Clark Samuel Holten
22 September,	1783.	Gunning Bedford, Jr. James Tilton Silas Condict

29 September,	1783.	James McHenry Silas Condict Elbridge Gerry
6 October,	1783.	Jacob Read John Francis Mercer David Howell
13 October,	1783.	Samuel Osgood Abiel Foster James Wilson
20 October	1783.	Benjamin Huntington John Montgomery David Howell No appointment is recorded between October 20 and December 13.
13 December,	1783.	Jeremiah Townley Chase George Partridge Samuel Hardy
20 December,	1783. }	No appointment is recorded for these two weeks.
27 December,	1783. }	

BIBLIOGRAPHICAL NOTES

BIBLIOGRAPHICAL NOTES

January 23.

Proclamation of Treaty with Holland.

394. By the United States in Congress assembled: /

A Proclamation / ----- / Done in Congress this twenty-third day of Janu-ary, in the year of our Lord one thousand se-ven hundred and eighty-three, ---- / ----- / Elias Boudinot, President.
F°. 2 ll. (on one side only)

A copy is in the Library of Congress. The type—two leaves, six columns—measures 48 x 37.3 cms.

January 31.

Receipts and Expenditures.

395. A State of the Receipts and Expenditures of Public Monies upon Warrants from the Superintendant of Finance, from the 1st of January, 1782, / to the 1st of January, 1783. / ----- / [signed] Joseph Nourse, Register. / Register's Office, January 31st, 1783. /
Oblong f°. Broadside.

A copy is in the Library of Congress, *Washington Papers*. It measures 21 x 37 cms.

February 17.

Resolution Concerning State Lands.

See under April 18, 1783.

March 4.

Piracies and Felonies on the High Seas.

396. An Ordinance / To amend an Ordinance, entitled, "An / Ordinance for establishing Courts for the / trial of Piracies and Felonies committed / on the high seas.

Narrow 8°. Broadside.

A copy is in the John Carter Brown Library. It measures 22.2 x 12.7 cms.

March 6.

Report of Committee on Impost.

397. Resolved. That it be recommended to the several / states, as indispensably necessary to the restoration of / publiic [sic] credit,

and the punctual and honourable dis-/charge of the public debts,
to vest in the united / states in congress assembled, a power to levy
for the / use of the united states, a duty of five per centum ad /
valorem, -----

F°. 3 ll. (on one side only)

A copy with manuscript notes is in the Library of Congress, *Papers of the Continental Congress*, No. 26, folio 411. Paul Leicester Ford lists this in his Bibliography as No. 328, under date of April 18, 1783, when the revised resolutions were adopted.

March 18.

Report of Committee on Impost.

398. March 18, 1783. / Resolved / That it be recommended to the
several states, ---- / ---- / ---- to invest in the United States in /
Congress assembled, a power to levy for the use of the / United
States, the following duties upon goods -----

F°. 2 ll. (on one side only)

A copy with manuscript notes is in the Library of Congress, *Papers of the Continental Congress*, No. 26, folio 415. As modified by the notes, the resolutions were adopted April 18.

March 19.

399. Philadelphia, March 19. / [1783]

Articles agreed upon by and between Richard Oswald, Esq. etc.

F°. Broadside in two columns.

In ms. "A true copy. L. R. Morris, Sec^r in the Department for foreign Affairs." A copy is in the Massachusetts Historical Society. It measures 43.8 x 17.8 cms.

April 11.

Treaty with England.

400. By the United States of America / In Congress Assembled /
A Proclamation / Declaring the Cessation of Arms, as well by Sea
as by Land, agreed / upon between the United States of America
and his Britannic / ----- / Done in Congress, at Philadelphia, this
Eleventh Day of / April, in the Year of our Lord One Thousand
Seven / Hundred and Eighty-three, -----

F°. Broadside.

This refers to the preliminary treaty. It is signed by Boudinot and Thomson. A copy is in the Massachusetts State Library.

April 11.

Treaty with England.

401. By the United States of America, / in Congress assembled / A Proclamation, / Declaring the Cessation of Arms, as well by Sea as by Land, agreed upon between the United / States of America and His Britannic Majesty; and enjoining the Observance thereof. / -----

Done in Congress, at Philadelphia, this Eleventh Day of April, in the Year of Our Lord One Thousand / Seven Hundred and Eighty-three, and of Our Sovereignty and Independence the Seventh. / ----- / Providence: Printed by John Carter.

F°. Broadside.

A copy is in the John Carter Brown Library. It measures 49 x 34.3 cms.

April 11.

Treaty with England.

402. By the / United States of America / In Congress assembled / A Proclamation, / Declaring the Cessation of Arms, as / well by Sea as by Land, Agreed upon / between the United States of America and his Britannic Majesty; and / enjoining the Observance thereof. / ----- / Done in Congress, at Philadelphia, this Eleventh Day / of April, in the Year of Our Lord One Thousand Seven / Hundred and Eighty-three. ----- / Richmond: Printed by James Hayes, Printer to the Commonwealth.

F°. Broadside.

Followed by a proclamation by Governor Harrison, dated April 21, 1783. A copy is in the Library of Congress. It measures 32.5 x 19.5 cms.

Evans notes three other imprints:

Delaware, dated New-Castle, April 15, and printed in Wilmington by James Adams.

Maryland, dated Annapolis, April 22; signed by Wm. Paca, and printed by Frederick Green.

New Hampshire, dated Exeter, April 24; signed by M. Weare, and printed by Zechariah Fowle (?)

April 15.

Ratification of the Articles of Peace.

403. The United States in Congress assembled / To all who shall see these presents greeting: /

F°. Broadside in two columns.

A copy is in the Library of Congress. It measures 46.5 x 22 cms.

A copy is in the Massachusetts Historical Society, prefixed by manuscript of a secretary of Congress: "To all to whom these presents shall come. Know Ye

that among the Archives of the United States in Congress Assembled is Lodged An Act and Instrument in the words following:" and at foot: "In testimony whereof the United States have caused their Great Seal to be affixed to this exemplification. Witness Charles Thomson Esquire their Secretary and Keeper of of their Great Seal."

April 18.

Resolutions concerning State Lands and Impost.

404. By the United States in / Congress assembled, / February 17, 1783./

F^o pp. 3.

The resolution adopted February 17, for surveying lands; and that of April 18, advising the states to grant power to levy an impost. See under March 6 and March 18. A copy, signed by Thomson, is in the Library of Congress.

April 26.

Address and Recommendations.

405. Address / and / Recommendations / to / The States, / by / The United States in Congress / assembled. / Philadelphia: / Printed by David C. Claypoole. / M,DCC,LXXXIII./

8^o. pp. 14. (1), 9, (2), 3, 6, 5, 4, 20.

8^o. pp. 14. (1), 9, (2), 3, 6, 5, 4, 26.

There are two editions of this pamphlet, with the difference in collation noted above. They are identical in matter to the ninth page of the last division, where a footnote, partially filling pages 9-16, is added. There are also variations in the composing of the types.

A copy of each edition is in the Library of Congress, the first being in *Hazard Pamphlets*, Vol. 43, No. 14; and also in the *Madison Papers*, Vol. LXXVII, page 2. The other edition is bound separately.

A Circular Letter to the States, on the necessity of raising revenues for the general government, reported by Madison, Ellsworth and Hamilton.

The accompanying papers include an estimate of the national debt; the report by Hamilton, Madison and FitzSimons, Dec. 16, 1782, on the refusal of Rhode Island to agree to the impost; the French and Dutch contracts; the address and petition to Congress from the officers of the Continental Army; the "Newburgh addresses," written by John Armstrong; the report of the convention of officers, March, 1783; and the Congressional resolutions of Sept. 6 and Oct. 10, 1780, Dec. 16, 1782, and Feb. 17, 1783.

"The evidence of Mr. Madison's sentiments at one period is to be found in the address of Congress, of April twenty sixth, seventeen hundred and eighty three, which was planned by him, in conformity to his own ideas, and without any previous suggestions from the committee."

Hamilton to Carrington, May 26, 1792.

406. Address / and / Recommendation / to / The States, / by / The United States in Congress / assembled. / Philadelphia: Printed 1783. / Boston: Reprinted. / By Order of the Hon. House of Representatives of the / Commonwealth of Massachusetts, 1783. / 8°. pp. 62.

A copy is in the Library of Congress.

407. Address / and / Recommendations / to / The States, / by / The United States in Congress / assembled. / Philadelphia, Printed: / Hartford: / Re-printed by Hudson & Goodwin, / M,DCC,LXXXIII. / 4°. pp. 50, 31, folding table.

The additional pages are detailed accounts of Connecticut finances.

A copy is in the Library of Congress.

408. By order of Congress. / Addresses / and / Recommendations / to the / States, / by the / United States / in Congress assembled. / Philadelphia: / Printed by David C. Claypoole. / London: reprinted / For J. Stockdale, in Piccadilly. / M,DCC,LXXXIII. / 8°. pp. 91, (1)

A copy is in the Library of Congress.

409. Address / and / Recommendations / to / The States, / by / The United States in Congress / Assembled. / Richmond: / Printed by Nicolson and Prentis / M,DCC,LXXXIII. / 8°. pp. 60, and more.

An incomplete copy is in the Library of Congress, Miscellaneous Pamphlets, Vol. 923, No. 5. Missing after page 60.

410. Address / and / Recommendations / to / The States, / by / The United States in Congress / assembled. / Trenton: / Re-Printed by Isaac Collins, / M,DCC,LXXXIII. / 12°. pp. 56.

A copy is in the New Jersey Historical Society.

June 6.

Virginia Land Cession.

See under September 13.

June 18.

See under August 25, No. 412. See also Nos. 421 and 422.

June 24.

Proclamation convening the Congress at Princeton, on account of the mutiny of the Pennsylvania line.

411. By His Excellency, / Elias Boudinot, Esquire, / President of the United States in Congress Assembled. / A Proclamation. / ----- / Philadelphia, Printed by David C. Claypoole.

F°. Broadside.

A copy is in the Library of Congress. It measures 34.5 x 23.5 cms.

August 25.

412. His Excellency General Washington's Last Legacy.

[His circular letter of June 18, 1783; and under it his address to President of Congress and reply, August 25, 1783.]

F°. Broadside in four columns. The Congress part runs across the four columns at foot.

A copy is in the Massachusetts Historical Society. It measures 48.3 x 29.8 cms.

September 13.

Report on Virginia Cession of Land.

413. The committee, to whom were referred the act / of the legislature of Virginia, of the 2d of January, 1781, and the report thereon, report ----- /

F°. 2 ll. (on one side only)

Reported by Rutledge, Ellsworth, Bedford, Gorham and Madison. The original draft is in Rutledge's handwriting.

A copy, with manuscript notes, is in the Library of Congress, *Papers of the Continental Congress*, No. 30, folio 565. According to the indorsement, it was delivered June 6, 1783, debated June 20, and agreed to September 13.

September 18 and

September 22.

Reports on Indian Affairs.

See under October 15, 1783.

September 22.

Proclamation in re Indian Lands.

414. By the United States in Congress / Assembled, / A Proclamation. / Philadelphia: Printed by David C. Claypoole.

F°. 1 l.

September 25.

Proclamation of Treaty with Sweden.

415. By the United States in Congress Assembled, / A Proclamation / ----- Princeton, September 25th, 1783. Elias Boudinot, President.

F°. Broadside of five columns.

A copy is in the Library of Congress. It measures 61 x 46 cms.

October 15.

Report on Indian Affairs.

416. The committee, consisting of Mr. Duane, Mr. / Peters, Mr. Carrol, [sic] Mr. Hawkins and Mr. Lee, / to whom was referred a report on Indian af-/fairs, ---- / ----- / ---- submit the following detail of / facts and resolutions:- /

F°. Broadside of two columns.

A copy with manuscript notes is in the Library of Congress *Papers of the Continental Congress*, No. 30, folio 193. It measures 48 x 39 cms. The report was delivered September 18, debated, and finally agreed to October 15.

October 15.

Additional Report on Indian Affairs.

417. The committee consisting of Mr. Duane, Mr. Peters, / Mr. Carroll, Mr. Hawkins and Mr. A. Lee, to / whom were referred a report on Indian affairs and the / several other papers ----- / beg leave to subjoin the following additional instructions / and propositions to their said former report:

F°. Broadside of two columns.

A copy with manuscript notes is in the Library of Congress, *Papers of the Continental Congress*, No. 30, folio 195. It measures 41 x 34 cms. The report was delivered September 22 and agreed to October 15.

October 18.

Thanksgiving-day Proclamation.

418. By the United States in Congress assembled: / A Proclamation. / Whereas it hath pleased the Supreme Ruler of all human Events, to dispose the Hearts of the late belligerent / Powers to put a Period to the Effusion of human Blood, ---- / ----- / Done by the United States in Congress assembled. Witness his Excellency Elias Boudinot, our President, this eighteenth Day of October, in the Year of our Lord one Thousand seven Hundred and Eighty-

three. ---- / ----- / New-London: Printed by Timothy Green,
Printer to the Governor and Company. /

F°. Broadside.

Followed by a proclamation by Governor Trumbull, dated November 7, 1783
A copy is in the Library of Congress. It measures 50 x 38 cms.

This proclamation appoints the second Thursday in December (11th) as a day of
Thanksgiving. Evans notes the original imprint, by Claypoole, Philadelphia;
and also an imprint, Exeter, November 14, 1783, preceded by an order for the
observance of the day in New Hampshire, signed by M. Weare.

November 1.

Resolutions on Congressional Representation.

419. By the United States in / Congress Assembled. / November 1,
1783. /

F°. pp. 2.

A copy is in the Library of Congress, signed by Thomson. It measures 32.5 x
20 cms.

Half-Pay and Commutation.

420. A Collection of Papers, / relative to / Half-Pay / and / Com-
mutation / of / Half-Pay. / Granted By / Congress / to the / Offi-
cers of the Army. / Compiled, / By Permission of His Excellency
General Washington, / from the Original Papers in his Possession. /
Fish-kill: / Printed by Samuel Loudon. / M,DCC,LXXXIII.

8°. pp. 36.

A copy is in the Library of Congress. It begins with an extract of a representa-
tion made by General Washington to a Committee of Congress, January 29, 1778,
and closes with a letter from Washington to the President of Congress, June 7,
1783. It includes the various resolutions of Congress during that period, on the
subject of half-pay; the address and petition of the Officers of the Continental
Army, the Newburgh addresses and the report of the Convention of Officers,
1783.

421. A / Collection of Papers / relative to / Half-Pay, / and /
Commutation Thereof, / granted by / Congress / to the / Officers
of the Army. / Together with a / Circular Letter / from / His Ex-
cellency General Washington, / to the several / Legislatures of the
United States. / Boston: / Printed by Order of the General Court /
of the Commonwealth of Massachusetts. / M,DCC,LXXXIII.

4°. pp. 24.

A copy is in the Library of Congress. It omits the memorial of the Officers to
Congress, the Newburgh addresses, the report of the Convention of Officers,
and some other papers that are in the Fish-kill publication (No. 420), but contains
General Washington's "last official communication," addressed to Governor
Hancock, and dated: Head-Quarters, Newburgh, June 11th, 1783.

Half-Pay and Commutation; and

Washington's "Last Official Address" to the states.

422. The / Last Official / Address, / of His Excellency / General Washington, / to the / Legislatures of the United States. / To which is annexed, / A / Collection of Papers Relative to / Half-Pay, / and Commutation of / Half-Pay, / Granted by Congress to the / Officers of the Army. / Hartford: / Printed by Hudson and Goodwin. / M.DCC.LXXXIII.

8°. pp. 48.

A copy is in the Library of Congress. The "Last Official Address"—a circular letter to all the states—is addressed to Governor Trumbull; and the "Collection of Papers relative to Half-pay" includes the papers printed in the Fish-kill publication, No. 420 above.

Journals. 1782-3.

423. Journal / of the / United States / In Congress Assembled, / containing / The Proceedings / from / The First Monday in November 1782, / to / The First Monday in November 1783. / Volume VIII. / Published by order of Congress. / Philadelphia: / Printed by David C. Claypoole. / M,DCC,LXXXIII.

8°. pp. 483, xxxvi.

A copy is in the Library of Congress.

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